

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. LOBECK: A bill (H. R. 14896) granting a pension to Erastus A. Buck; to the Committee on Invalid Pensions.

By Mr. THOMAS: A bill (H. R. 14897) granting a pension to Nathan L. Smith; to the Committee on Pensions.

Also, a bill (H. R. 14898) granting an increase of pension to Fronie Fisher; to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Concurrent resolution adopted by the Legislature of North Dakota on January 11, 1919, urging the adoption of the Susan B. Anthony national suffrage amendment; to the Committee on Woman Suffrage.

By Mr. CARY: Memorial of H. W. R. Strong, chairman of flood control and member of law and legislative bureau, Whittier Chamber of Commerce, relative to impounding the waters of Colorado River for irrigation purposes; to the Committee on Flood Control.

Also, memorial adopted by California Chapter of American Mining Congress in San Francisco, urging enactment of Senate bill 5234 and House bill 13497; to the Committee on Mines and Mining.

Also, petition of National War-Service Committee of Retail Dry Goods and Department Stores, protesting against luxury taxes; to the Committee on Ways and Means.

Also, petition of Commercial Telegraphers' Union of America, demanding eight-hour day, increase in salary, reinstatement of men and women discharged for union affiliation, and thorough investigation of wire system; to the Committee on the Post Office and Post Roads.

By Mr. ESCH: Resolutions of District Council No. 24, Commercial Telegraphers' Union of America, demanding eight-hour day, increase in salary commensurate with increased cost of living, and reinstatement of several hundred men and women discharged for union affiliation; also thorough investigation of wire system; to the Committee on the Post Office and Post Roads.

By Mr. GRAHAM of Pennsylvania: Petition of furriers of Philadelphia, Pa., for relief from the tax on furs; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Memorial of Ohio State Board of Agriculture, favoring increase of compensation for employees in Bureau of Animal Industry and an increased appropriation for the work of the bureau; to the Committee on Agriculture.

Also, memorial of Ohio State Postmasters' Association, in favor of parcel-post motor routes, as asked for by the department in appropriation bill; to the Committee on the Post Office and Post Roads.

Also, memorial of J. H. McGraw & Sons, Bellaire, Ohio, favoring continuance of Government control of the wire systems until further investigation can be made and additional legislation can be had for resuming private ownership; to the Committee on Ways and Means.

Also, memorial of Ervin Apell, Louis Helbrac, Jacob Leva, and George Leva, of East Liverpool, Ohio, asking for repeal of postal-zone rate bill; to the Committee on the Post Office and Post Roads.

By Mr. NEELY: Petition of H. H. Sonneborn, president of West Virginia Clothiers' Association, protesting against luxury tax; to the Committee on Ways and Means.

By Mr. RAKER: Resolution by the traffic and transportation bureau of the Tacoma (Wash.) Commercial Club and Chamber of Commerce, indorsing Senate bill 5020, and petitioning Congress to restore to the Interstate Commerce Commission certain powers taken away by the Federal control act approved March 21, 1918; to the Committee on Interstate and Foreign Commerce.

Also, resolution by superintendent of public instruction, Sacramento, Cal., indorsing Senate bill 4987, providing for a Department of Education; to the Committee on Education.

Also, resolution by the California Chapter of the American Mining Congress, urging the passage of Senate bill 5234 and House bill 13497; to the Committee on Mines and Mining.

Also, resolution by the San Francisco Labor Council, requesting the Department of Agriculture to investigate the conditions existing in the Alaska fish-canning industry; to the Committee on Agriculture.

Also, resolutions by board of directors of the California Citrus League, urging that common carriers be released from Government control; to the Committee on Ways and Means.

By Mr. TAYLOR of Colorado: Memorial adopted by citizens of Pueblo, Colo., for the recognition of Ireland at the peace conference; to the Committee on Foreign Affairs.

By Mr. WATSON of Pennsylvania: Memorial of Board of Trade of Lansdale, Pa., favoring the control and operation of the telegraph and telephone systems by the Government until Congress shall have studied the question and determined upon a proper and safe procedure to be thereafter followed; to the Committee on the Post Office and Post Roads.

SENATE.

THURSDAY, January 23, 1919.

(Legislative day of Monday, January 20, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Nelson	Smoot
Bankhead	Johnson, Cal.	New	Spencer
Calder	Johnson, S. Dak.	Norris	Sterling
Chamberlain	Jones, N. Mex.	Nugent	Swanson
Colt	Jones, Wash.	Overman	Thomas
Culberson	Kellogg	Penrose	Townsend
Cummins	King	Pittman	Trammell
Curtis	Kirby	Pollock	Underwood
Fletcher	Knox	Pollock	Wadsworth
Frelinghuysen	La Follette	Sheppard	Walsh
Gay	McCumber	Sherman	Watson
Gerry	McKellar	Simmmons	Weeks
Gronna	McNary	Smith, Ariz.	Williams
Hale	Martin, Va.	Smith, Ga.	Wolcott
Henderson	Moses	Smith, Mich.	

Mr. GAY. I desire to announce the unavoidable absence of the senior Senator from Louisiana [Mr. RANSDELL].

Mr. KIRBY. I announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON], who is detained on account of illness. I ask that this announcement may stand for the day.

Mr. MCKELLAR. I announce the absence of the senior Senator from Tennessee [Mr. SHIELDS] on account of illness.

Mr. JONES of Washington. I desire to announce the absence of the Senator from Ohio [Mr. HARDING], who is detained in committee.

Mr. KING. I wish to announce that the Senator from Mississippi [Mr. VARDAMAN], the Senator from Missouri [Mr. REED], and the Senator from Kentucky [Mr. MARTIN] are detained on official business.

Mr. SHEPPARD. I desire to announce that the junior Senator from Maryland [Mr. FRANCE] is detained on official business and that the senior Senator from Maryland [Mr. SMITH] and the Senator from California [Mr. PHELAN] are detained by illness.

The VICE PRESIDENT. Fifty-nine Senators have answered to the roll call. There is a quorum present.

LABOR CONDITIONS IN SEATTLE, WASH.

Mr. HITCHCOCK obtained the floor.

Mr. JONES of Washington. May I ask the Senator from Nebraska to yield to me for just a moment? I have to attend a meeting of the Committee on Commerce, and I wish to put in the RECORD a couple of telegrams. They are in reference to a statement made by the Senator from California [Mr. JOHNSON] the other day in the discussion.

Mr. HITCHCOCK. I yield for that purpose.

Mr. JONES of Washington. A day or two ago, in the discussion of the pending bill, the Senator from California made a statement based upon a press report in reference to conditions in Seattle. This press report stated that there were soldiers and sailors who were being fed and cared for by the I. W. W., and that they engaged in a riot and demonstration, and so forth. I sent a telegram to the mayor of Seattle under date of January 22, reading as follows:

JANUARY 22, 1919.

OLE HANSON,
Mayor Seattle, Wash.:

Senator JOHNSON stated on floor of Senate yesterday that press dispatch said that after dispersing demonstration of I. W. W.'s at Seattle "it was found that among the outcast I. W. W.'s were soldiers and sailors of the United States, who were being fed by the I. W. W. and who were without resources of money or food." Is this correct? Kindly advise facts immediately.

W. L. JONES.

I have here a telegram from the mayor of Seattle, stating very definitely that this was not correct, that nothing of this

kind occurred. I also have a statement from Hon. Harold Preston, chairman of the King County Council of Defense, to the same effect. Without taking the time of the Senate, unless the Senator from California would like to hear them read, I will ask that the telegrams be inserted in the RECORD.

Mr. JOHNSON of California. I do not care that they shall be read at length. I wish to say in explanation that I recited with absolute accuracy dispatches from Seattle which were published in our daily press here, and referred only to what was thus published and what was thus presented by reputable news agencies in the dispatches to newspapers here.

Mr. JONES of Washington. There is not any question about that. The Senator from California based his statement entirely upon newspaper reports. If the Senator from Nebraska will permit me, I ask that the Secretary may read the two telegrams.

Mr. HITCHCOCK. I will be very glad to hear them.

The VICE PRESIDENT. The Secretary will read.

The Secretary read as follows:

SEATTLE, WASH., January 22, 1919.

Senator WESLEY L. JONES,
Washington, D. C.:

Sunday, January 12, meeting advertised on handbills signed Labor Council and Metal Trades Council. Metal Trades Council and Central Labor Council were unaware of meeting and not responsible therefor. Meeting ran peaceably nearly two hours. No disturbance at close of meeting; radicals formed parade behind lumber wagon bearing red flag. Red flag is used here as danger signal on lumber wagon in daytime, same as red lantern is used at night. Against city ordinance to have parade without permit. Officers tried to disperse parade; one of marchers struck captain of police, breaking his nose and blacking both eyes; officers arrested this man, who is an I. W. W., and also arrested 12 others. No soldiers or sailors have been arrested here at any time charged with being against law and order. So far as I know, they are with the authorities for the enforcement of law to a man. All employers, city and county government, have opened places for them on their return; there are no soldier and sailor outcasts being fed by the I. W. W. Different organizations here are taking care of returned soldiers and sailors, but strike now on will make it very hard to find employment for anyone if strike continues for any length of time. Seattle is and has been a peaceable city; there has been no disorder except the fracas of January 12; the strikers are peaceable citizens and are making no trouble. I was elected mayor on the platform of enforcing the law. The people of Seattle will not allow the preaching of the overthrow of the government by force and violence in this city; our statutes make such advocacy felony; not 1 per cent of our people favor any such doctrine. Seattle is a loyal city and will stand by the soldiers and sailors who went to the front. State of Washington and all the cities in the State are beginning great public works to employ labor; we hope Secretary Lane's land plan will carry. Now is the time for the Nation to expend large sums of money on development of land, thus employing labor and providing homes. One hundred million dollars for such a purpose is a joke. Not less than \$2,000,000,000 should be considered; there has been as yet no unemployment in this city. Up to the day of the strike labor was in good demand. The city is prosperous and conditions are good. I expect the strike to be settled within a few days, although I have no definite information. Soldiers and sailors should be given a bonus to help care for themselves during readjustment.

OLE HANSON, Mayor.

SEATTLE, WASH., January 22, 1919.

Senator WESLEY L. JONES,
Washington, D. C.:

Statement in Senate reported in your wire to Mayor Hanson is untrue. Owing to the deplorable neglect of the Government to make proper financial provisions for discharged soldiers and sailors, many of them have come to Seattle in need. County council of defense organize soldiers' and sailors' placement bureau, working in connection with Government employment office. The combination has so far succeeded in placing in positions all or nearly all discharged soldiers and sailors who have applied. The bureau is assisted at the counter by employees of Young Men's Christian Association, Knights of Columbus, Jewish Relief, War Camp Community Service, and Elks, paid by their respective employers, who assist and advise and also furnish free beds and meals to needy. A Red Cross agent is also present, who furnishes cash to applicants when needed. The service rendered is efficient as a temporary expedient, and we claim it very creditable to the community. We have heard of no better elsewhere. The I. W. W. or Bolshevik element here is small though noisy. Their chief stock in trade at the present time is to foment dissatisfaction among discharged soldiers and sailors on account of Government neglect to make proper provisions for them. Council of defense unanimously recommend immediate action by Congress granting bonus to all discharged soldiers and sailors and at least sufficient to enable them to live in comfort during the time of non-employment will take in many cases.

HAROLD PRESTON,
Chairman King County Council of Defense.

Mr. JOHNSON of California. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from California?

Mr. HITCHCOCK. I yield.

Mr. JOHNSON of California. Mr. President, I wish simply to suggest, while it may be that the news account that was carried to us as to a particular instance occurring in Seattle, Wash., may have been inaccurate, nothing could better demonstrate the exact point to which I was alluding than the telegrams which have just been read. Those telegrams show, beyond peradventure of doubt, the great problem of unemployment which is confronting us to-day and which is confronting the city of Seattle, from which these telegrams come. With this great problem of unemployment thus confronting us, I insist that corroborative evidence is added now by these telegrams to the argument which

I endeavored to make a few days ago—that our first duty is to the men who come from across the sea, our first obligation is to the boys of America who have made the fight for America, rather than to those who are now living in Europe.

Mr. JONES of Washington. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Washington?

Mr. HITCHCOCK. I yield.

Mr. JONES of Washington. Mr. President, I think that the Senator's statement is entirely correct. These telegrams do reinforce the point that he made. The real reason that they were presented was to refute the specific statement of the press to which they referred. They do, however, reinforce the argument which the Senator made.

SUPPLIES OF POTASH.

Mr. HENDERSON. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Nevada.

Mr. HENDERSON. A few days ago the Senator from Nebraska [Mr. HITCHCOCK] referred to the situation in this country relative to potash. Since then I have received a letter from the vice chairman of the War Trade Board, which I send to the desk and ask to have read.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and the Secretary will read as requested.

The Secretary read as follows:

WAR TRADE BOARD,
Washington, January 21, 1919.

HON. CHARLES B. HENDERSON,
United States Senate, Washington, D. C.

MY DEAR SENATOR HENDERSON: Answering your favor of the 18th instant, we beg to advise that shortly after the Associated Press published the dispatch from Paris announcing that potash would be shipped at once in large quantities from Alsace to this country we cabled the Hon. Vance C. McCormick, who is in Paris, asking for reliable and full information regarding the matter. We have been informed by him that the French Government explains that no potash can be shipped from Alsace for several months, due to the fact that such quantities thereof as can be extracted will be needed for agricultural purposes in France during the coming spring.

The report from Mr. McCormick has been confirmed by the French High Commission in Washington, and so it would seem entirely proper to assume that the United States must depend upon its domestic production for the requirements of the coming crop year. The above information has already been given publicity through the daily press, and in conference yesterday with representatives of the potash industry in this country, with whom the situation was discussed, we learned that a definite program will be adopted which will give the broadest publicity to the fact that the United States must rely upon its own domestic supply for its potash needs for the coming year.

Should you desire further information, please call upon us and we shall promptly respond. Assuring you it is a great pleasure to serve you in this or any other connection, believe us to be, my dear Senator HENDERSON,

Very truly, yours,

CLARENCE M. WOOLLEY,
Vice Chairman.

Mr. HENDERSON. Mr. President, my reason for asking that the letter be read is to give the information to those interested in the potash situation. The farmer should know the true condition, and I take this means of making public the contents of the above letter.

FOOD SUPPLIES FOR EUROPE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13708) providing for the relief of such populations in Europe, and countries contiguous thereto, outside of Germany, as may be determined upon by the President as necessary.

Mr. HITCHCOCK. Mr. President, I had not expected to take the time of the Senate in discussing this bill appropriating \$100,000,000 to purchase food for people in Europe. Had it not been for the course taken by the discussion, I should not have done so.

Senators are entitled to their opinions as to the wisdom of backing the President and the nations with whom we are associated, not only in the war but in the settlement of the war. They are entitled to their opinions upon the wisdom of backing up the President, who is now in Europe negotiating for peace and making every effort to bring those peace negotiations to an early conclusion. There may be a difference of opinion as to the wisdom or justification for voting these large sums of money for food. To my mind, it is justified; to my mind, when Europe is suffering from the aftermath of the war, when a large area of country is still in turmoil, and is almost without an established government, it is a wise thing for the United States, France, Great Britain, and Italy to do as they have done in the supreme war council—direct the expenditure of \$300,000,000 for the purpose of bringing immediate relief to people suffering from starvation and struggling in the work of reinstating governments.

I say it is not only a matter of charity, but it is a matter of good business policy and war expediency to remove from these people, if possible, the evils of starvation and to put them in

a frame of mind where they will listen to reason and will support order and government rather than revert to anarchy and disorder. We can not have any peace if Europe is to remain in a perfect welter of disorder and social disturbance and governmental overthrow. The reestablishment of order is the first thing to be considered, and we who eat our three meals a day know very well that starving people can not view things as can people who are not confronted with that danger.

So I say I am willing to take the judgment of the President of the United States, of Mr. Hoover, and of other representatives we have over there, who have already concluded in the supreme war council an agreement by which all these countries are to help bring this relief. Our share is \$100,000,000. Are we to hesitate? Are we to discredit our own representatives over there?

Mr. President, I have not been slow in the past from my place in the Senate here to oppose the President when it has seemed to me he was infringing upon the powers and responsibilities of the legislative body. Everyone knows that. You know I have brought myself into discredit at the White House because I have done so, and I do not hesitate even now to exercise my right as a United States Senator to criticize a department when good can come from it. But what possible good, what possible relief, can come from such criticisms and attacks as we have listened to in the Senate during the last few days?

Mr. KNOX. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Pennsylvania?

Mr. HITCHCOCK. I yield to the Senator.

Mr. KNOX. I am only after information in order that I may form a proper judgment on this measure. I am entirely open-minded about it. The Senator from Nebraska refers to the request for this hundred million dollars as being because of the action of the war council. Will he indicate where the information upon that subject may be found?

Mr. HITCHCOCK. The Senator from Virginia [Mr. MARTIN], who is in charge of the bill and who is suffering from a bad throat, has turned over to me certain matters, some of which, I think, has already been read; but the information contained in cablegrams to the Secretary of State from our mission in Paris is to the effect—I will not read it unless the Senator desires me to do so—

Mr. KNOX. I only want the Senator from Nebraska to indicate, so far as I am concerned, where I could obtain the information.

Mr. HITCHCOCK. The cablegram states that the supreme council of supply reported to the supreme war council a proposition for the expenditure of \$300,000,000 in food supplies for the starving people of Europe.

Mr. KNOX. Mr. President, will the Senator be good enough to indicate where that cablegram may be found?

Mr. HITCHCOCK. I will read a part of it to the Senator. I do not know that it has been printed. It is dated "Paris, January 14," and addressed to the Secretary of State at Washington:

The following resolutions adopted Sunday, January 12, at meeting of supreme council of supply and relief were presented yesterday at the meeting of the presiding war council and were formally adopted by the representatives of the allied Governments and the United States.

1. That it is imperative in the interest of humanity and for the maintenance of orderly government that relief should be given to certain European countries. It is provisionally estimated that for the furnishing of this relief till next harvest a minimum sum of \$300,000,000 may be necessary apart from the requirements of Germany, which will be separately examined.

2. The council is of opinion that this sum of \$300,000,000 should be placed at its disposal by the four associated governments.

3. That the financial representatives of the four governments should consider and make recommendations to meet this expenditure.

4. If these recommendations be accepted by the council, they should then be referred to the respective governments for their approval.

Mr. KNOX. Mr. President, what strikes me, if the Senator will indulge me for just a second, is that I have before me the hearings and what purport to be the cablegrams that have been received from abroad in relation to the subject, and I do not find that cablegram.

Mr. HITCHCOCK. It is one of the cablegrams that have been received, nevertheless.

Mr. KNOX. That is what I wanted to know.

Mr. HITCHCOCK. That is the fault I find with the hearings—they have not been sympathetic; they have been antagonistic. There seems to have been more desire to develop causes for criticism and scandal than to develop the reasons for this bill.

Mr. CUMMINS. Mr. President, before the Senator gets fairly started in his speech, I wish to call his attention to the fact, which seems to have been generally overlooked, that this is not alone a proposal to feed people in Europe; it is to furnish them foodstuffs and other urgent supplies. I assume that the Senator

has that in mind, and that this money, when appropriated, can be expended for anything which in the judgment of the commissioners those people need.

Mr. HITCHCOCK. I hope it can. I am willing to trust the judgment of the American commissioners; and we have got to trust their judgment if we are going to do anything.

Mr. WILLIAMS. Part of it may be used especially for agricultural implements.

Mr. HITCHCOCK. It may be used for agricultural implements; I do not know. Mr. President, we are represented in Europe, and our representatives are in concert with the other great powers that have been engaged in this war. They have agreed upon a program, and the question is whether we are going to repudiate our own representatives and set up our own judgment when we know nothing about the matter.

So I say, Mr. President, that I am ready, much as I dislike to do so, to vote the \$100,000,000 out of the Treasury. I disliked to declare war; I disliked very much to vote thousands of millions of dollars for war supplies; I disliked very much to be compelled to draft American boys and send them into the war; I disliked to do all those things; but they were necessary for the good of the country, and this is necessary if we are to bring about an early conclusion of peace.

Senators on the other side criticize the President because he does not make haste. How much time has been wasted here in irrelevant attacks on this bill? The administration has been attacked for everything under the sun under the guise of opposition to this bill.

But what I particularly desire to say to-day, Mr. President, relates to what was developed yesterday in the nature of an attack on Mr. Hoover and the Food Administration. I am not going to dodge the issue in any respect. The plain inference, if not the practical charge, made here is that Mr. Hoover's errand in Europe is not what it purports to be, to support the President in aiding him to bring about peace as soon as possible, of which the distribution of this relief is a part, but that his real errand in Europe and his purpose in recommending this bill is to use the Treasury of the United States for the purpose of adding to the profits of the packers. That is the charge.

Mr. TOWNSEND. Mr. President, may I interrupt the Senator for just a moment?

Mr. HITCHCOCK. Yes.

Mr. TOWNSEND. Has the Senator any further information that the Senate does not possess relative to the reasons for asking for this appropriation? The Senator has presented something here that I have not heard about before. He referred a moment ago to certain papers that have been handed to him by the chairman of the committee. I am wondering if there is any other authentic information which the Senate ought to have on this subject?

Mr. HITCHCOCK. I think that that is a fair question. I do not know whether or not the cablegram I hold in my hand from the American mission has been read, but it states in some detail, as much as a cablegram can, the conditions in various countries near to and adjoining Germany, the dire need for food; and perhaps if it has not been read I should read it. This cablegram is from the American mission in Paris; it bears no date, but it was received within a day or two, and gives these details:

On area covered by new appropriation general situation of these countries is that their animals are largely reduced, their crops were far below normal, due to man and animal shortage, ravage, and climatic conditions. The surplus harvest above absolute needs is now rapidly approaching exhaustion, and consequently the towns and cities are in dangerous situation. Our reports show specifically, Finland, that food is practically exhausted in cities; that while many of the peasants have some bread, other sections are mixing large amount of straw. They are exhausted of fats, meats, sugar, and need help to prevent a renewed rise of Bolshevism.

Baltic States' food may last one or two months on much reduced scale. They sent deputation our minister, Stockholm, imploring food.

Serbia town bread ration down 3 ounces daily in north. Not accessible from Salonika. In south, where accessible, British are furnishing food to civil population. We are trying to get food in from Adriatic.

Jugo-Slavia bread ration in many towns 3 or 4 ounces in all classes. Short of fats, milk, and meat.

Vienna, except for supplies furnished by Italians and Swiss, their present bread ration of 6 ounces per diem would disappear. Large illness from shortage fats, ration being 1½ ounces per week. No coffee, sugar, eggs, practically no meat.

Tyrol is being fed by Swiss charity.

Poland peasants probably have enough to get through. Mortality in cities, particularly among children, appalling for lack of fats and milk, meat, bread. Situation in bread will be worse in two months.

Roumania, bread supply entire people estimated to last another 30 days. Short of fats and milk. Last harvest 60 per cent a failure.

Bulgaria, harvest also a failure. Supplies available probably two or three months.

Armenia already starving.

Czecho-Slovaks, large suffering lack of fats and milk. Have bread for two, three months. Have sugar six months.

We have each country under investigation as to total amounts required to barely sustain life, and their resources to pay. Preliminary investi-

gation by Taylor and staff in connection with allied staffs show total above areas will require about 1,400,000 tons imported food to get through until next harvest, costing, say, \$350,000,000 delivered.

Mr. TOWNSEND. By whom is that signed?

Mr. HITCHCOCK. That is signed by the American mission.

Now, what does this show? It shows that our representatives, in connection with those of Great Britain, France, and Italy, have investigated the question and have reached a conclusion. It shows that the other nations have already entered upon that work which we are asked to join in entering upon; and shall we be laggards? Shall we sit here and, because we have criticisms to make of the administration, or political profit to get out of an antagonism, hold up this bill?

Mr. President, I want to refer now to what was brought up yesterday. It is charged that a small packer, Mr. Tallafiero, appeared before the Committee on Agriculture and Forestry and testified that he believed Mr. Hoover was going to keep his word with the packers; and that is the charge against Mr. Hoover—that Hoover is going to keep the word he gave to the packers with regard to the price of their products.

Now, I have not any use for the packers' combine. I am glad to support any measure which will result in bringing them under Government control, and I know Mr. Hoover is. I am glad to vote for tax bills which will take out of them their unconscionable profits, if they have made any; but if the word of the United States, or of a recognized official of the United States, has been given to the packers and they have acted upon it, it is our business also to see that it is made good.

What did Congress do, Mr. President? Congress passed an act guaranteeing to the farmers of the United States a certain price on their wheat, not only for last year but for this year also; and wheat not yet planted is guaranteed a price of \$2.26 per bushel by the act of the Congress of the United States. Why?

Mr. KELLOGG. Mr. President—

Mr. HITCHCOCK. I yield to the Senator from Minnesota.

Mr. KELLOGG. The Senator is not exactly accurate in that statement. The act of Congress guaranteed the price for 1918 only at \$2 a bushel minimum, but it did authorize the President, if in his judgment production would be encouraged, and it was necessary, to publish a proclamation guaranteeing the price of wheat in any year, and the President did it for 1919.

Mr. HITCHCOCK. Yes; it was done under authority of Congress; and why was it done? Not because we wanted to enrich the farmers, because they needed nothing of the sort. It was done for the purpose of winning the war. That guaranty of the price of wheat was put in there as a stimulus to the production of wheat, and the production of wheat was necessary to win the war. That is why we did it.

Now, what did Mr. Hoover do? Hoover, under the powers that were intrusted to him by Congress and the President, was under an obligation. He was under an obligation to use those powers also for the purpose of stimulating all the energies necessary to win the war, and he did it.

Mr. BORAH. Mr. President—

Mr. HITCHCOCK. I yield to the Senator.

Mr. BORAH. Does the Senator think that when Mr. Hoover, or the men who were in his employ, utilized the powers which were conferred upon them to put independents out of business that was helping to win the war?

Mr. HITCHCOCK. No; and I deny that he did it.

Mr. BORAH. I say that he did.

Mr. HITCHCOCK. I know something of the struggle Mr. Hoover has had with the packing combine in the United States, and I want to say, Mr. President, that if there had not been a Hoover and a Food Administration the packers would have made a great deal more money than they did make.

Mr. BORAH. I say that the evidence is sufficient to show that they did do it.

Mr. HITCHCOCK. I deny it.

Mr. BORAH. I say they did.

Mr. HITCHCOCK. I deny it absolutely, and I say that Mr. Hoover is coming out of this thing vindicated. You have taken him at a time when he is in Europe carrying on his work. He has been vindicated and has won every fight that he has had while he was in the United States. He is a man who comes out of this war, I believe, with a better reputation than any other public official. He comes out clean. He comes out having rendered a great service to the American people. He comes out at the head of a great army of volunteer citizens—men, women, and children—who at his request have saved and skimped and helped him to conserve the food that was necessary to win the war; and I want to say to you that, in my opinion, Mr. Hoover stands in the hearts of the American people equal to any man in the United States. I am very sure that there is no Member of the Senate who, if he ran for President against Mr. Hoover, would be able to poll as many votes as he would poll.

Mr. President, I am aware of the very strong antagonism that certain Senators and others have developed for Mr. Hoover, but the fact remains that from the very day that the war broke out in Europe Hoover has been engaged in self-sacrificing service. He was in London when war broke out, and when the great horde of American travelers, many of them penniless and without credit, came flocking to the American Embassy, Hoover was one of the American citizens who had credit, who went and took the cash out of his bank and himself loaned over \$200,000 to the people who came to the American Embassy. He loaned it to hundreds of people, rich and poor, school-teachers and others on vacation trips. Anybody who came there in distress received his money; and then, having shown himself to be not only a public-spirited and patriotic American citizen, but a great organizer, he was put at the head of the great relief work in Belgium and acquitted himself to the plaudits of all the world; and he has followed that up by making a great record in the United States by self-sacrificing service in this war.

Mr. BORAH. Mr. President, I have not attacked Mr. Hoover.

Mr. HITCHCOCK. It sounds to me very much like it.

Mr. BORAH. I said in the beginning that I was not attacking Mr. Hoover's individual integrity. I do not care to go into it. It is not a matter of concern to me. I simply said that the system which he organized was one which I could not approve; and, having organized it upon that basis, I would not vote to turn over a hundred million dollars to him. I said so for reasons given, certain facts stated, and I challenge the Senator to dispute those facts.

Now, I have no objection to the Senator's eulogy upon Mr. Hoover. I do not find fault with it at all. I ask him what he has to say as to the facts which I presented.

Mr. HITCHCOCK. I want to talk about some of the facts that the Senator presented yesterday. That is just what I am coming to.

The changes were rung upon the fact that Mr. Tallafiero, before a committee, testified that he believed Hoover was going to keep his word to the American packers. Now, what was his word? I say that what Congress did with regard to wheat is analogous to what he did with regard to hogs and pork, equally necessary in the war. What he did was almost exactly the same, barring the greater difficulties of the situation.

Mr. HARDWICK. Mr. President—

Mr. HITCHCOCK. I yield to the Senator.

Mr. HARDWICK. Is there not this difference: When the President fixed the price of wheat for 1920 he did so under express authority of law. Did Mr. Hoover have any warrant of law to fix the price of pork at that time?

Mr. HITCHCOCK. Yes.

Mr. HARDWICK. I wish the Senator would cite it. I am very much interested in that.

Mr. HITCHCOCK. I am coming to that.

Now, Congress had provided for wheat; but early in the war it was discovered that, while we had a normal crop of wheat, the condition of the hog supply in the United States was very alarming. We went into the year 1917, at the time we declared war, with 7,000,000 less hogs in the United States than we had the previous year—a very material shortage of hogs. What could Hoover do to stimulate the production of hogs? Hoover was the man to whom the administration of the United States and the administrations of the associated nations—Great Britain, France, and Italy—intrusted the power to buy their food products; and he has used that power, as well as the authority given him by Congress, to control the packers to a large extent in the supply of food.

Mr. HARDWICK. Mr. President—

Mr. HITCHCOCK. I should like not to be interrupted for a few minutes.

Mr. HARDWICK. If the Senator will kindly cite his authority for the power, I shall be obliged to him.

Mr. HITCHCOCK. I do not want to consider quibbles or technicalities. I am talking of broad facts.

Mr. HARDWICK. That is not a quibble.

Mr. HITCHCOCK. The Senator can make his own speech as to the authority.

Mr. HARDWICK. I thank the Senator for his courtesy.

Mr. HITCHCOCK. What he has done he has done, and it has been done well, and he has saved the country by furnishing food.

Now, I want to get back to February, 1918; and I want to read the letter addressed by President Wilson to Mr. Hoover on that date:

MY DEAR MR. HOOVER: May I not call your attention to this important point:

There is pressing need of the full cooperation of the packing trade, of every officer and employee, in the work of hurrying provisions abroad. Let the packers understand that they are engaged in a war

service, in which they must take orders and act together under the direction of the Food Administration, if the Food Administration requires.

Cordially and sincerely, yours,

WOODROW WILSON.

That came from the President. It called Mr. Hoover's attention to the fact that it was his duty to take supervision over the great food supply of the United States and stimulate it.

As I have said, here was this shortage of 7,000,000 hogs as compared with 1916. What could Hoover do to stimulate that production? There was a German propaganda in this country—at least, there was propaganda which was called German, and I suspect it may have been—which went all over the country, that Mr. Hoover was going to try to hold down the price of hogs to \$10; and it was necessary for Mr. Hoover to send out circulars, copies of which I have here, denying that fact, and averring that it was not the policy of his administration to restrict the prices of those products which the world needed below the point where they could be produced.

Mr. Hoover first made his Food Administration organization. He gathered here men from all over the country, skilled in various lines, acquainted with various lines of production. He appointed a food administrator in every State; and I will say that in my State he appointed the man best qualified to discharge its duties, and who sacrificed at it, and did an able service in organizing the people of Nebraska in support of Mr. Hoover; and I presume he did it in other States. He gathered a body here in Washington, numbering at the maximum, something like 1,400 people. He brought in men, advisers from all over the country. He took in also as his advisers the best men in the Department of Agriculture. He took in an officer from the Quartermaster's Department.

He brought in here committees from time to time and producers from every State in the Union—I mean hog producers and cattle producers and agricultural producers generally. He held these meetings repeatedly with these various interests. He brought packers and producers together under the supervision of the Department of Agriculture representatives and his own. The result of those conferences was the development of a plan for the stimulation of the raising of hogs to meet the immediate demand.

There were various plans considered. First, they had to take into account the price of hogs, the price of corn, when the price of wheat was raised, established by the guaranty of Congress; and the effort was made to use various substitutes. We all remember how the price of corn advanced. The hog producers first averred that they would be satisfied with the ratio of 13 to 1; that is, 13 bushels of corn to 100 pounds of hog. It was considered that that would be a fair ratio. But then other changes came in which made that difficult to maintain.

At the first meeting which took a definite conclusion there were something like 50 or 60 persons present. It has been said that it was behind closed doors, but it was a meeting of packers and hog raisers and representatives of the Agricultural Department and provision men and Mr. Hoover's own representative. The result of that first conference in October, 1917, when they had this shortage of 7,000,000 hogs, was to establish a certain price which ought to be paid at the stockyards by these packers for the hogs that they bought; that is to say, it was said that the minimum price—I think it was 15½ cents per pound, live weight—should be paid for hogs in order to induce the farmers of the country to increase the supply.

Now, as the purchaser of the products from the packers, Mr. Hoover was in a position to say to them, "You shall pay 15½ cents per pound for those hogs, live weight." When that word went out to the country the result was a stimulation of the production of hogs, and from month to month the packers paid those prices, and from month to month Mr. Hoover, as the representative of three or four of the greatest nations in the world, paid the packers for their products.

Mr. CUMMINS. Mr. President—

Mr. HITCHCOCK. I yield to the Senator.

Mr. CUMMINS. The Senator from Nebraska has very correctly stated what occurred in the fall of 1917. Of course similar arrangements were made throughout subsequent months. But what I should like to ask the Senator from Nebraska is this: If hogs are worth \$15.50 a hundred, how much is the packing-house product worth? In other words, did the packers sell the products and derive a greater profit from the sale of the products than they ought to have done?

Mr. HITCHCOCK. I will come to that.

Mr. CUMMINS. I hope the Senator will.

Mr. HITCHCOCK. Congress did not intrust Mr. Hoover with power to control the prices of packing-house products. He could not do it. All that he could do was through his power as a purchasing agent to say what he would pay for certain prod-

ucts, namely, these food products. He did have some power which he exercised to limit the profits that the packers could earn upon food products, and he did it. He could not limit the profits they made on their by-products. Therefore he could not control their total profits in any way at all. All he could do was to say how much they could make on their food products, and he did it.

Mr. CUMMINS. Did Mr. Hoover have authority, or did he not, to license the packers and prescribe the terms upon which they could do business?

Mr. HITCHCOCK. He did as far as food products were concerned, and he did it. He limited their profits to 9 per cent on food products, but he could not tell what they should make on glue.

Mr. BORAH. Does the Senator contend that Mr. Hoover did not have the power to extend the license to their entire business?

Mr. HITCHCOCK. Yes. He did not have any jurisdiction over it.

Mr. BORAH. Where is the power which confined his operation or his jurisdiction to food products? He could take in their entire business under the license system just the same as he could take any part of it.

Mr. HITCHCOCK. Mr. President, I will leave the Senator to struggle with his technicalities. The fact was that Congress intrusted Mr. Hoover with the power. There was a great deal of question how far the power went, and many of the Senators on the other side who have been attacking him objected to the very power that Congress vested in him, and limited it.

There was a limitation on the power, but he exercised it in good faith. He told the packers practically that they must pay, to begin with, 15½ cents a pound, because he had to have the pigs. He told them they could not earn more than 9 per cent on their capital in the production of their food products. That is as far as he could go, and he did it.

Mr. Hoover is about through with the packers, and when the American Congress undertake to handle the great packing interests of the country they will probably find, as Mr. Hoover found, that it is a very difficult task, and will need as much sympathy as we should give Mr. Hoover. He had a great many sleepless nights and a great many hard struggles in dealing with that mighty combine.

Mr. CUMMINS. As far as I am concerned, I do not want my question to be construed into any sympathy with the effort to fix prices anywhere upon anything.

Mr. HITCHCOCK. I know that very well, from the Senator's position.

Mr. STERLING. Will the Senator yield for a question?

Mr. HITCHCOCK. I yield.

Mr. STERLING. I should like to ask the Senator from Nebraska if Mr. Hoover's only power was not derived from the food-control act of 1917?

Mr. HITCHCOCK. That is his only legislative power, but I have already pointed out what power he had as purchasing agent of the various Governments.

Mr. STERLING. Food, feed, and fuel are named as the necessities in the food-control act over which the power to license is given.

Mr. HITCHCOCK. His legislative powers were limited to those, and the packers had a very large business entirely outside of his jurisdiction, and made a great many profits outside of his jurisdiction.

But, Mr. President, I say Mr. Hoover did his duty when he called these representative people here and made his program, an intelligent program, an effective program, because the result of that program has been to increase the supply of the hogs of the country to such an extent that the receipts have almost swamped the packing houses within the last few months.

Mr. President the packing houses are under obligation to continue to pay the prices which have now been raised to 17½ cents per pound live weight, and because the packing houses are under obligation to continue paying 17½ cents per pound for hogs until March, was not Mr. Taliaferro justified in saying that he believed Mr. Hoover was going to keep his word with the packing houses as long as they kept their word with the country? They are buying hogs at the rate of thirty or forty thousand a day and paying these prices, and I do not know but it is more than that. I noticed that the purchases in Chicago alone the other day were about 30,000. They are paying these prices.

Do you want the country to announce to the packing houses that they need not fulfill their obligations until the end of this hog season? Do you want the price of those hogs broken? I say Mr. Hoover has done the right thing, and he is doing it in Europe now, because he is not only keeping his word to the packers but he is requiring Great Britain to keep her word.

I have in my hand a telegram received by the United Press this morning, dated Paris, and I shall read it for what light it may throw on the subject:

PARIS, January 23.

Herbert Hoover to-day flatly denied the charges made in the United States Senate, during debate on the \$100,000,000 food bill, that he had worked in the interest of American packing industry. Hoover ridiculed the idea that he had benefited the big packers.

He declared he worked to give American farmers a square deal and protect small packers.

The attack on Hoover in the Senate was made by enemies of the bill providing \$100,000,000 to feed Europeans other than inhabitants of the central powers. Hoover was assailed as the man who would have charge of spending this money.

"I apparently emerge in a new light as the friend of the Chicago packers," said Hoover. "At the same time the mail brings a report from Swift & Co., blaming the Food Administration for reducing their profits by \$10,000,000 during the last year. I don't imagine the packers would appreciate a wide circle of such friends."

"I notice also I committed a crime by holding the October joint conference of farmers and representatives of 40 packers, as well as bringing the packers together with representatives of the allied Governments for the purpose of settling on a price for exports of pork that would give the American farmers a square deal, and a distribution of orders that would protect small packers."

"We have even tried to secure the continuance of these war arrangements through the armistice period."

That is the arrangement with Great Britain and France and Italy for the purchase of these products, and why not? The hogs were raised. The farmers kept their word. Shall the packers not keep their word with the farmers? Shall the nations not keep their word with the packers simply because they have concluded a war sooner than they expected?

Mr. Hoover continues:

"We have even tried to secure the continuance of these war arrangements through the armistice period and the opening of other markets, because the American farmer did his duty and produced the goods."

"If the small farmer and American packer now feel that these arrangements are wrong, it would be the greatest burden off our shoulders if we could know it quickly. The British Government is particularly anxious to be relieved from these arrangements."

Mr. KING. May I interrupt the Senator?

Mr. HITCHCOCK. Certainly.

Mr. KING. How long did Mr. Hoover agree that the farmers should receive from the packers 17½ cents per pound, live weight, for hogs? In other words, did he require the packers to contract to purchase up to a given period?

Mr. HITCHCOCK. Yes; until March.

Mr. KING. Next March?

Mr. HITCHCOCK. Next March.

Mr. KING. The farmers, then, have gone on the theory that they would find a market, and the packers would be compelled to buy all their hogs for that price, until March of this year?

Mr. HITCHCOCK. They have; and the price was such that it stimulated the production to such an extent that, as I said, it has almost swamped the packers to take the hogs that came to market.

Mr. WADSWORTH. What was the price fixed?

Mr. HITCHCOCK. It was originally fixed at 15½ cents, then raised to 16 cents, because of the advance in the price of corn; for the last month or two it has been 17½ cents; and on the 28th of this month there will gather in Washington another conference for the purpose of fixing it for the next month.

Mr. President, that is about all I have to say. I have taken the bull squarely by the horns and the hog squarely by the ears. I say Hoover is right. If he told the packers they were under obligation to buy these hogs at this price until March, he is under obligations as the representative of the United States, Great Britain, France, and Italy to see that they get a fair price for their product. It is just as important for us to keep our word to the packers as it would be to keep our word to the farmers or anybody else; and I say that this attack, therefore, on this bill, this attack on a man who is off in Europe, is a stab in the back which is utterly unworthy. There is not an official of the United States who has rendered greater services than Mr. Hoover has done; and, to my mind, it is an outrageous thing during his absence to make these attacks which do reflect upon his honor and his character, notwithstanding the disclaimer Senators make.

Mr. WILLIAMS. Mr. President, one really good thing deserves to be followed by another. One of the best speeches I ever heard made in the United States Senate I have just listened to by the Senator from Nebraska [Mr. HITCHCOCK]. One of the best things I ever saw in public print appeared this morning in the Washington Post from the pen of ex-President Taft. It is entitled, "Taft says success of treaty of peace depends on league." I have risen for the purpose of asking permission to insert in the RECORD this letter of Mr. Taft's, published this morning in the Post. I shall not take up the time of the Senate with having it read. I ask unanimous consent to insert it.

The VICE PRESIDENT. Is there any objection? The Chair hears none, and it is so ordered.

The matter referred to is as follows:

TAFT SAYS SUCCESS OF TREATY OF PEACE DEPENDS ON LEAGUE—ONLY THROUGH UNION OF GREAT NATIONS CAN WORLD BE SURE OF ENJOYING FRUITS OF ALLIED VICTORY—INTERNATIONAL POLICE TO BECOME IN TIME A MERE POTENTIAL FORCE.

[By William Howard Taft.]

The expressions at the peace conference of President Poincaré and Premier Clemenceau in reference to the league of nations, and the published rules of the congress, are reassuring to those who look to the growth of an effective and real league out of the situation. The French leaders see clearly, and say with emphasis, that we have a league of nations now and that it must be maintained in order to achieve the purpose of the war. The circumstances of the struggle forced the allies into an interallied council and then into a common command of the armies under Foch; but for that the war might not have been won. Now the situation after peace will be so complicated and critical that similar unity of action between the five great nations who fought the war will be necessary to enable them and the world to enjoy the fruits of victory and the hardly won prize.

GUARDIANS OF WORLD'S WELFARE.

The rules of the congress recognize that the five great nations—Great Britain, France, Italy, Japan, and the United States—are the ones which have an interest in all questions coming before the congress as guardian of the welfare of the world, made so by the logic of their winning the war. They are thus established as the initiating nucleus of a world union, as the charter members of a league of nations.

It is to be noted that the league of nations is the first subject to be considered by the congress. This seems to be at variance with the views of James M. Beck and Senators LODGE and KNOX. Mr. Beck argues that as our fathers waited five years after winning independence before making a Constitution the nations ought to be equally deliberate in discussing and framing a constitution for the world. Most people will agree after reading the description by Hamilton and Madison of conditions existing in the interval between our independence and the convention of 1787 that it would have been much better if the convention could have been called earlier. Of course, it may be said that the state of affairs during the interval was necessary to bring the people to see the necessity for a stronger government. But surely Mr. Beck would not wish a recurrence of the quarrels of nations and another war to convince the peoples of the world of the necessity and advantage of world unity to suppress war and maintain peace. It is now just after this horrible war, when its agonies, its sufferings, its losses, its inhuman character, all are fresh in the minds of men that they will be willing to go farther in making the needed and proper concessions involved in a useful, real league of nations. Delay will dull their eagerness to adopt the machinery essential to organized protection against war.

NO SECURITY WITHOUT LEAGUE.

But another fact which Mr. Beck and Mr. KNOX seem to ignore is that a treaty of peace can not be made at Paris by which the peace of Europe can be secured and maintained without a league of nations. These gentlemen may well be challenged to tell us what arrangements they would suggest to the five nations engaged in framing this treaty for peace and making it work, unless it be by a continuing league of those five nations to maintain it.

How can the objects and purposes of the 14 points, especially those directed to rearranging the map of eastern and central Europe and Asia Minor, be achieved and carried to peaceful realization except through a league of nations embracing the five great powers? No one opposed to the league of nations idea has essayed to answer this very practical question. The Paris conference is confronted with it and must answer it. It has answered it suggestively by making the league of nations the first subject of discussion.

Premier Clemenceau said: "The league of nations is here, it is for you to make it live."

Senator LODGE, in his speech, fully recognized the existence of the league of great nations in the war and the necessity for its continuance. Indeed, it is probable that if Senator KNOX and Mr. Beck were cross-examined, their admissions would show them to be not very far removed from the view that something substantially equivalent to a league of great nations must be definitely formed by this Congress with agreed-upon means of enforcing the stipulated peace.

NEGATION NOT VERY HELPFUL.

The Associated Press informs us that a league of nations is in the forming, but that the supersovereignty of an international police force is to be rejected as part of it. This negation is not very helpful. Except in Tennyson's poetic vision and in the plans of impracticables, no such suggestion as supersovereignty has been advanced. The proposed structure of the league, common to the plans proposed officially by the French and English commissions on the subject and by our own official league to enforce peace, embraces a court, a council of conciliation, an administrative branch to carry on international trusts like the government of Constantinople, and an executive council. It further includes an agreement on the part of the great nations to combine forces when an exigency arises either to compel warring nations to submit differences to the court or conciliating council, or to go further and to enforce the judgment and deal with the recommendations of the council of conciliation as may be deemed wise by the executive council of the league.

INTERNATIONAL POLICE FORCE.

Most opponents of the league idea have assumed that the so-called international police is to be a permanent body under an international commander and subject to orders without invoking consent of the nations contributing to the force. This is a great misconception. A potential international police force will be created by an agreement of the great nations to furnish forces when necessary to accomplish a legitimate purpose of the league. In most instances, no actual force will need to be raised. The existence of an agreement and confidence that the nations will comply with it is all that will be needed. Nations who have judgments against them in a court of the nations will generally perform them. It will only be where defiances of such judgments will lead to a dangerous war that the league force need be raised.

Of course, during the interval after the conclusion of peace the possibility of differences and the danger of Bolshevism may require a retention of some of the war army strength of the allies to see the treaty through to its effective execution. But after normal times come again, the strength of the league to secure compliance with the treaty obliga-

tions and justice will not be in its serried columns, but in its potential power under the joint agreement.

DIVISION OF WORLD INTO ZONES.

In the convenient division of the world into zones in which the respective great powers shall undertake the responsibility of seeing to it that members of the league conform to the rules laid down by the treaty, it will be unnecessary for any nation to send forces to a distant quarter. The United States can properly take care of the Western Hemisphere and need not maintain in normal times a military establishment more extensive than she ought to maintain for domestic use and the proper maintenance of the Monroe doctrine without such a league. This may be well supplied not by a professional army but by a system of universal training of democratic principles, like that of Switzerland or New Zealand. If this be conscription, its opponents may make the most of it. It will help our boys in discipline of character and in a most useful educational way. It will provide for the prompt display of democratic power to achieve justice. The picture painted by Senator BORAH of the Army of the United States needed for the purposes of the league is the result of a lively imagination, but does not find support in the real need of the league.

After the league of the great powers has been established for the purpose of executing the plans of the new treaty, it will be time enough to take in all other responsible powers. The lesser league will grow naturally into a larger league. Experience will test the practical character of the lesser league and in this wise and in due course the world league will come into being. But meanwhile as a necessary condition precedent to the success of the treaty of peace it must provide for a league of the great nations.

AMERICAN EXPEDITIONARY FORCES.

Mr. WADSWORTH. Mr. President, on the day before yesterday I made an announcement that on Thursday—to-day—I would seek an opportunity to address the Senate on the American Expeditionary Forces. It is quite possible that such an address would assume some length. The bill before the Senate and now under consideration is of such vast importance, however, and the determination of the issue at an early hour is so desirable that I do not intend to-day to interrupt the proceedings. In the event that the bill under consideration is passed to-day, I shall seek an opportunity to address the Senate to-morrow. If the bill is not passed to-day, I shall seek an opportunity to address the Senate on Tuesday next.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by J. C. South, its Chief Clerk, announced that the House had passed a bill (H. R. 14516) making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, in which it requested the concurrence of the Senate.

ENROLLED BILL SIGNED.

The message also announced that the Speaker of the House had signed the enrolled bill (H. R. 10663) to convey a strip of land on the site of the Federal building at Princeton, Ind., and it was thereupon signed by the Vice President.

PETITIONS AND MEMORIALS.

Mr. TOWNSEND presented a petition of Local Union No. 106, International Brotherhood of Blacksmiths and Helpers, of Bay City, Mich., praying for the proposed extension of Federal control of railroads, which was referred to the Committee on Interstate Commerce.

He also presented a petition of sundry Italian citizens of Calumet, Mich., praying that the allies' representatives at the peace conference settle the boundary dispute between Italy and Austria-Hungary, which was referred to the Committee on Foreign Relations.

He also presented a petition of the Board of Education of Albion, Mich., praying for the establishment of a department of education, which was referred to the Committee on Education and Labor.

Mr. HALE presented a petition of the Board of Trade of Presque Isle, Me., praying for the establishment of a department of education, which was referred to the Committee on Education and Labor.

Mr. SHAFROTH presented petitions of the Trades and Labor Assembly, of the Labor Bulletin, of the Building Trades Council, and of Local Union No. 229, Federation of Postal Employees, all of Denver, in the State of Colorado, praying for an increase in the salaries of postal employees, which were referred to the Committee on Post Offices and Post Roads.

Mr. SMITH of Arizona presented telegrams in the nature of petitions from the Federal Employees' Union of Tucson, Ariz., Cincinnati, Ohio, Albuquerque, N. Mex., Boston, Mass., Charleston, S. C., Montgomery, Ala., Bangor, Me., New Orleans, La., Omaha, Nebr., New Haven, Conn., Atlanta, Ga., Providence, R. I., Dover, N. J., Louisville, Ky., Helena, Mont., Occoquan, Va., Norfolk, Va., Sioux City, Iowa, Des Moines, Iowa, St. Louis, Mo., Kansas City, Mo., Philadelphia, Pa., Pittsburgh, Pa., Wichita, Kans., Fort Leavenworth, Kans., Chicago, Ill., Rock Island, Ill., Detroit, Mich., Port Huron, Mich., Niagara Falls, N. Y., Rochester, N. Y., Brooklyn, N. Y., Milwaukee, Wis., Hayward, Wis., El Paso, Tex., Brownsville, Tex., San Diego, Cal., San Francisco, Cal., Vallejo, Cal., Spokane, Wash., Seattle, Wash.,

Duluth, Minn., St. Paul, Minn.; of A. C. Weiss, publisher of the Chicago Herald; of sundry Treasury custodian employees of Newark, N. J.; of sundry employees in the Immigration Service, of Chicago; of sundry employees of the customhouse and naval office of Chicago; of sundry employees of the United States Employment Service of Chicago; of the Custom Inspectors' Association of Chicago; of sundry employees of the United States appraisers' stores, of Chicago; of sundry employees of the United States Forest Service, of Missoula, Mont.; of the State Federation of Labor of Kentucky; and of the Trades Assembly of Duluth, Minn., praying for the proposed dollar-a-day increase in salaries of Federal employees, which were referred to the Committee on Appropriations.

REPORTS OF COMMITTEES.

Mr. MYERS, from the Committee on Public Lands, to which was referred the bill (H. R. 12210) to amend the act of May 14, 1898, as amended by the act of March 3, 1903, entitled "An act to extend the homestead laws and to regulate the sale and entry of public lands along the shores of navigable waters in Alaska," reported it without amendment and submitted a report (No. 657) thereon.

Mr. SHAFROTH, from the Committee on Public Lands, to which was referred the bill (H. R. 5989) to grant certain lands to the town of Olathe, Colo., for the protection of its water supply, reported it without amendment and submitted a report (No. 656) thereon.

Mr. THOMAS, from the Committee on Finance, to which was recommended the bill (S. 2496) for the refund of duties paid on materials destroyed by fire, reported it with amendments and submitted a report (No. 658) thereon.

AMERICAN SOLDIERS' CEMETERY IN FRANCE.

Mr. SPENCER. I ask that the Committee on Foreign Relations be discharged from the further consideration of the bill (S. 5313) authorizing the Secretary of War to acquire and maintain a cemetery in France in the name of the United States for the reception and interment of the bodies of American officers and men who lost their lives in connection with the European war, and to appropriate \$500,000 therefor, and for other purposes, and that it be referred to the Committee on Military Affairs. The chairmen of both committees are agreeable to this action.

The VICE PRESIDENT. Without objection, that order will be made.

PROHIBITION IN THE CANAL ZONE.

Mr. THOMPSON. On December 15, 1918, the Senator from Oregon [Mr. CHAMBERLAIN] introduced a bill (S. 5224) to prohibit intoxicating liquors and prostitution within the Canal Zone, and for other purposes, and it was erroneously referred to the Committee on the Philippines. I move that the Committee on the Philippines be discharged from the further consideration of the bill and that it be referred to the Committee on Inter-oceanic Canals.

The motion was agreed to.

BILLS INTRODUCED.

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. McCUMBER:

A bill (S. 5412) authorizing the Secretary of War to donate to the municipalities of Bismarck, Devils Lake, Harvey, Carrington, Jamestown, Dickinson, Forman, Minot, Park River, Bowman, Hettinger, Mott, and Bottineau, in the State of North Dakota, captured German cannon, cannon balls or shells, and gun carriages, condemned United States cannon, cannon balls or shells, and gun carriages; to the Committee on Military Affairs.

A bill (S. 5413) to increase and equalize the salaries of veterinarians in the Department of Agriculture; to the Committee on Agriculture and Forestry.

By Mr. MYERS:

A bill (S. 5414) requiring The Adjutant General of the United States Army and the Secretary of the Navy to furnish certain data to the adjutants general of the several States; to the Committee on Military Affairs.

By Mr. KING:

A bill (S. 5415) requiring The Adjutant General of the United States Army and the Secretary of the Navy to furnish certain data to the adjutants general of the several States; to the Committee on Military Affairs.

By Mr. HENDERSON:

A bill (S. 5416) to establish engineering experiment stations for the purpose of further developing that college in each State and Territory now receiving, or which may hereafter receive, the benefits of the act of Congress approved

July 2, 1862, entitled "An act donating public lands to the several States and Territories which may provide colleges for the benefit of agriculture and the mechanic arts," and for the purpose of developing the natural resources of the United States as a measure of industrial, military, and naval preparedness; to the Committee on Education and Labor.

By Mr. TOWNSEND:

A bill (S. 5417) granting a pension to Nathan L. Brass (with accompanying papers); and

A bill (S. 5418) granting a pension to Horton G. Mosher (with accompanying paper); to the Committee on Pensions.

By Mr. JOHNSON of South Dakota:

A bill (S. 5419) conferring upon tribes of Indians the right to recall their agents or superintendents; to the Committee on Indian Affairs.

AMENDMENT TO LEGISLATIVE, ETC., APPROPRIATION BILL.

Mr. RANDELL submitted an amendment proposing to increase the salary of the chief clerk, office of Surgeon General of the Public Health Service, from \$2,250 to \$2,750, etc., intended to be proposed by him to the legislative, etc., appropriation bill, which was referred to the Committee on Appropriations and ordered to be printed.

RIVER AND HARBOR APPROPRIATIONS.

Mr. WOLCOTT submitted an amendment intended to be proposed by him to the river and harbor appropriation bill, which was referred to the Committee on Commerce and ordered to be printed.

INVESTIGATION OF LIGNITE COALS.

Mr. HENDERSON. I submit a conference report on the so-called lignite-coals bill, which I ask to have printed and lie on the table.

The conference report is as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3220) authorizing the Secretary of the Interior to make investigations, through the Bureau of Mines, of lignite coals and peat to determine the practicability of their utilization as a fuel and in producing commercial products, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 1.

That the Senate recede from its disagreement to the amendments of the House numbered 2 and 3, and agree to the same.

CHARLES B. HENDERSON,
T. J. WALSH,
MILES POINDEXTER,

Managers on the part of the Senate.

M. D. FOSTER,
OTIS WINGO,
E. E. DENISON,

Managers on the part of the House.

HOUSE BILL REFERRED.

H. R. 14516. An act making appropriations for the Diplomatic and Consular Service for the fiscal year ending June 30, 1920, was read twice by its title and referred to the Committee on Appropriations.

PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. Sharkey, one of his secretaries, announced that the President had on the 7th instant approved and signed the joint resolution (S. J. Res. 187) providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

REPORT OF GOVERNOR OF PANAMA CANAL.

The VICE PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Inter-oceanic Canals:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1918.

WOODROW WILSON.

THE WHITE HOUSE,
23 January, 1919.

FOOD SUPPLIES FOR EUROPE.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (H. R. 13708) providing for the relief of such populations in Europe and countries contiguous thereto,

outside of Germany, as may be determined upon by the President as necessary.

Mr. CUMMINS. Mr. President, I have had the greatest difficulty in my effort to reach a conclusion with respect to my attitude upon this measure. I recognize that there are many reasons which can be urged in its behalf, and there are many reasons which seem to me to make against the wisdom of the proposed legislation. I do not think the solution of the problem depends upon Mr. Hoover or the meat packers. Neither his conduct nor theirs has determined the vote which I shall feel constrained ultimately to cast.

Before I enter upon what I regard as the material elements of the case I want the Senator from Virginia or some other Senator to clear up, if it be possible to do it, what seems to be a confusion with respect to the facts in the matter. It is asserted upon the one side, with very great confidence, apparently, that the purpose of the bill is to make a market for foodstuffs especially that will enable Mr. Hoover to maintain the prices which have prevailed with regard to commodities of that kind. It is asserted upon the other that the United States has now in Europe foodstuffs and other supplies that can be furnished under the bill aggregating in value \$55,000,000, accumulated there for war purposes, and that we have in this country as well as in Europe a large quantity of wheat for which there is no apparent market, and it is intended by those who are to administer the bill that the \$100,000,000 thus sought to be appropriated shall be simply turned into the Treasury of the United States in alleged payment of property which already belongs to the United States.

I want to know which of these contradictory statements is true, if anyone here, either the chairman of the committee or any of the Senators who have brought forward the other view of it, is able to clarify the situation.

Mr. MARTIN of Virginia. Mr. President, I am suffering from a bronchial throat trouble and am really incapacitated from taking any considerable part in the debate on this bill. Indeed, my physician warned me that I ought not to leave my apartment to-day, and certainly ought not to engage in debate. I am not going to undertake to do it, but I really want to answer the Senator's question.

I say there has not been one single word found in a cablegram from the American commission or the President or Mr. Hoover which undertook to state that this money was asked in order to maintain the price of any product. On the contrary, it was to relieve the starvation and suffering of our friends in European countries. That is the only reason given for it. It has been stated that in meeting that great moral obligation it would incidentally make a market for American products, but the market for American products was not the inducement. The money was not asked for that purpose. The money was asked for the sole purpose of relieving suffering and starvation among our friends in European countries. Incidentally, it was stated, it would make a market for some of our products. Incidentally, it was stated, it would discourage Bolshevism and disorder in European countries, because we all know that men who are starving are in a condition of lawlessness and disorder. We can not expect orderly government from a starving people.

An allusion was made to the indirect and incidental benefit in the way of restoring peace and order in foreign countries, and, also incidentally, that it would create a market for our products; but the motive, the reason, the cause for asking this appropriation of \$100,000,000 is to relieve starvation and suffering in European countries among the friends of the United States and our allies.

Mr. CUMMINS. Just one moment further. The question which I have asked—and possibly I did it rather awkwardly—was, Has the United States these supplies on hand now, accumulated for war purposes, and is the appropriation which it is now proposed to make to be returned to the Treasury of the United States in exchange for those supplies?

Mr. MARTIN of Virginia. Mr. President, as I understand, the tribunal which is known as the supreme council of food supplies—I may not give the name correctly—which has been organized under the council of war of the allied nations in Europe, will have the disposition of this matter. They are to go on the market and buy supplies to relieve this starvation and this suffering. There is no string to it whatever. They are not required to spend the money for supplies in the United States, but they are to spend it. Finding that my throat was in such condition that it was impossible for me to talk without great discomfort, I handed the list of the personnel of this commission to the Senator from Minnesota [Mr. KERLOGG]; but I will merely say that that personnel includes Lord Reading and some other distinguished statesmen; that it includes the most distinguished statesmen of France. The Italian

representatives have not yet arrived. Pending their arrival a very distinguished Italian will represent Italy in this supreme council for relief, and Mr. Hoover and Mr. Davis are representing the United States. That council of eight, representing the four great belligerents, have selected Mr. Hoover as president. They are to determine where and how these supplies shall be bought. The money is not to be expended in the market of any particular country. Incidentally, it will inure to the advantage of the United States, particularly in meat products, because the United States is the only country that has a surplus of meat products. However, the United States also has a large supply of wheat on hand that was acquired under this order fixing the limit of price; but whether this money is invested in that wheat or not will depend on the food council, which, as I have said, is composed of eight of the most distinguished men of this country and of the countries of our allies abroad. They are to determine where this money shall be spent. It is to be spent not to create a market anywhere, not to stop Bolshevism anywhere, but it is to be spent to relieve suffering and starvation among our friends in European countries. In doing that incidentally it will make some market for our products and incidentally it will tend to suppress disorder and Bolshevism.

Mr. CUMMINS. Mr. President, I am not interested at this moment in the personnel of the commission which is to manage and distribute the supplies. What I should like to know—and the information does not seem to be accessible—is, Does this bill in fact simply donate property which the United States now has and for which it seems to have no immediate use, or is it intended to be expended in the purchase of food supplies and other supplies which are yet in the hands of private owners?

Mr. MARTIN of Virginia. I thought I made that clear. It is to be used by going on the market and buying these food supplies where the object in view will be best conserved—the relief of suffering and starvation among our friends in Europe. The appropriation is not to be made to take off the hands of the United States Government anything that it has. Whether it will do so or not is to be determined by that commission, which is composed of eight of the most distinguished men in the world. It is not limited to any particular use, but that commission is to determine when, how, and where this money shall be expended, with only this proviso, that the object of spending it is to relieve the starvation and suffering in European countries.

Mr. CUMMINS. Mr. President, I am very much obliged to the Senator from Virginia. I am plagued with the thought that he may exceed his strength, and I hope that he will not continue any effort he is making at the risk of his health. That is a heartfelt wish on my part.

Mr. MARTIN of Virginia. It is a considerable strain on my throat or I would have been more active in the debate; but I will try not to participate in it any further.

Mr. KELLOGG. Mr. President—

Mr. CUMMINS. I yield to the Senator from Minnesota.

Mr. KELLOGG. I suppose that the Senator from Iowa knows that the Government of the United States, through the wheat corporation, is obligated to take the crop of wheat for 1918; that it has purchased all the surplus which has been offered on the market; that it now owns it, is selling it to European countries, and has already sold a large amount of it.

Mr. CUMMINS. The Senator from Iowa knows that. That was the very point of my inquiry. If we are simply donating to the commission or to the helpless people of eastern Europe a certain quantity of material which we have on hand and for which we have no present use, that is one thing; and if that were the purpose, we ought not to pass an appropriation bill; we ought to pass a bill for the donation of these supplies, naming them, to the commission in Europe for such distribution as they may see fit to bring about. While I do not say that is the chief reason that will constrain me to vote against this bill, it is one of the things about the measure which is very repugnant to me.

It does not seem to me a fair, open, and candid movement upon the part of the Government. The purpose evidently is to take the \$100,000,000 which we shall appropriate, if we do appropriate it, and pay it into the Treasury of the United States for material which the country has accumulated in this way. I can easily see that there may be consequences in pursuing a course of that kind that would not be possible if the appropriation were to be used, or is to be used, in the purchase of material still in the hands of private persons or corporations. It is not right for the President or Mr. Hoover or anyone else to come before Congress for an appropriation of \$100,000,000 to be expended in that way if the purpose is simply a gift on the part of the United States of the material which we have accumulated in this war or through the obligations of the war and which we now desire to dispose of in some way or other.

Mr. SMOOT. Mr. President, will the Senator yield to me?

Mr. CUMMINS. I yield to the Senator from Utah.

Mr. SMOOT. Mr. President, I call the Senator's attention to a fact which he already knows, that the bill provides that the money which is advanced shall be returned to the Government of the United States; or, in other words, it is to be used as a revolving fund. I can not see how it will be possible to carry out the theory of the bill if we donate so much pork or so many cases of corn or beans or so many bushels of wheat. I will admit, Mr. President—and I shall frankly say so when I speak upon this bill—that I do not believe that the Government of the United States is going to receive back the hundred million dollars which it donates now as a revolving fund. It will receive back some part of it; but no one can tell what part it will receive. Wherever the money is advanced for the relief of a people who have an organized form of government, that government is to give its obligation for the return of this money; but I believe the bulk of it is going to sources that will never return the money advanced for buying food products for their relief, and I shall never expect it to be returned to the Government of the United States; indeed, if I vote for this measure I shall be greatly surprised if we get 50 per cent of it back.

Mr. CUMMINS. Mr. President, I have not viewed it from that aspect at all. I do not expect that we will be repaid for any considerable part of the advance we now make, but I see no difficulty whatever in adjusting the sale of property to these foreign Governments to the idea suggested by the Senator from Utah. Suppose we have an automobile over there—that is one of the things that we are going to try to dispose of—a large number of motor trucks, automobiles, railroad iron, locomotives, and everything else the people in the eastern part of Europe need for their reconstruction. That is the reason the phrase "urgent supplies" is found in the bill; and I am not criticizing that especially, because I think they need all these things probably quite as much as they need food in order to set them on their way in a prosperous direction. But if the United States wants to sell an automobile to the Serbian Government, and the Serbian Government is able now to give it an obligation, it can sell it for what it is worth and take the obligation of that Government for that amount; but if we make an appropriation in money and that is intended simply to reimburse the Government of the United States for the supplies that have been accumulated, then they will go to the Governments which are to be benefited by the act or to the individuals which are to be benefited by the act at the exaggerated prices representing their cost to the United States. I do not want to qualify or surround this act of charity and mercy with any thought that these people must make good to the United States the cost of the war in which we have been engaged. If we are intending to give them the help which is indicated here, we ought to give it so that they will know that, if they return obligations to us, their obligations will represent the real value of the thing given, or, if it is a donation, that they receive the full benefit of the money which we appropriate for that purpose. I fear very much that in this ledgerdom of bookkeeping and in the transmutation of this money into materials or supplies or food a large part of the objects which we have in view will be neutralized, and, not only so, but that in future years we will be subject to very great reproach for having resorted to an indirect method of alleviating misery.

Mr. President, I desire to say, in response to the Senator from Nebraska, that I concur with him in his proposition that the United States must keep faith with the packers and with the farmers, and it does not tend to bring my mind to an adverse conclusion to say that before the peace conference assembled in Europe it was understood in America that faith should be kept. I know something about the meetings that were held in Chicago and elsewhere that had for their purpose the stimulation of the production in America of hogs and of wheat. I would have thought this Government faithless, as many of us did think it faithless, if it failed to carry out the arrangement that was made in the fall of 1917 with the farmers in my State. It did not perform that obligation just as it should have performed it; it did not comply with the exact obligation into which it entered at that time; but there was a fair show of performance, and it had its full effect.

I agree that when the Food Administration required the packers to pay \$15.50 for 100 pounds of live hog it entered into an implied agreement that the packers, so far as the Government could control, should be permitted to sell their product at a price that would yield a fair profit upon that basis; and when in October, 1918—I think it was October, 1918—a similar meeting occurred in Chicago, and there were representatives of my own State there—some of the most prominent live-stock producers in the country were there from my own State—and it was agreed at that meeting that the farmers should have and

the packers should pay \$17.50 per hundred pounds for live hogs, the commonest honesty required that the Government that took part in that proceeding should redeem its obligations. That agreement has been continued from time to time, until now it expires on the 1st day of February. It ought to be kept, and whatever is a fair price for packing-house products, upon the basis of live stock at the rates which I have suggested, ought to be maintained if the influence of the Government can maintain such prices.

I do not understand, however, that the criticism of the Senator from Idaho [Mr. BORAH] or the criticism of my colleague [Mr. KENYON] upon the subject is based upon any suggestion that bad faith should creep into a vital transaction of that kind. If I understood the Senator from Idaho, his criticism is that, even upon the basis of expenditure controlling the price of live stock, the packers made more profit in 1918 than they ever made before in the history of their enterprises, and that they made more profit in 1917 than they had ever made in any year prior to that time. That is the criticism. It is not that the Government should not help sustain fair and honest and reasonable prices which grow out of the promises with regard to live stock; but what justification is there for fixing a price upon packing-house products that would permit Armour & Co. in 1918 to earn a profit of \$15,000,000 upon a capitalization which in itself was accumulated by the profits of previous years in the business?

I do not think it is fair to condemn the Senator from Idaho [Mr. BORAH] or my colleague [Mr. KENYON] because they think that the prices of these products during these years were too high. I do not know enough about the details of the business even to suggest how much too high they were, but the results in war times were too great; and I think that any man who has the love of country in his heart and who wanted and wants to be helpful in the solution of these great problems which are rushing on us in time of peace must agree that the first duty of the American Congress, as well as the American Executive so far as his power extends, is to devise some policy, is to create some system of regulation, that will prevent consequences and results of the kind I have indicated; and instead of trying to establish sovereignties in Europe, with the attending obligation to maintain and protect those sovereignties, the whole force of the American mind, represented in the Executive and in Congress, should be turned to the solution of these problems which not only confront us but which ought to frighten every thoughtful American citizen.

I say this with regard to the distribution of this largess, because I do not intend to found my objection to the bill or my vote against the bill upon the fact that Mr. Hoover is to distribute it. I do not know whether he is entitled to the glowing eulogy pronounced upon him by the Senator from Nebraska or not. He may be. I, at least, have never found anything in his conduct to indicate that he was not guided by a desire to help the American people, and I can have no doubt that he has the same purpose now. Do not think that this means that I agree with everything he has done, for I think that he or those under him have done as foolish things as ever marred the industrial record of a great country. But that is simply a matter of judgment and does not impugn the good faith or intent of those who were administering our laws.

Mr. President, if we believe that the proposed appropriation ought not to be administered by Mr. Hoover, it can be administered by somebody else. The Senate has it in its power to appoint the persons who shall administer its appropriation, if it desires to do so. I mention that simply to indicate that my objection to the bill does not spring out of the fact that Mr. Hoover or Mr. Davis or anyone else who may be specified are not the proper persons to distribute the fund.

A great deal has been said with regard to the character of the appropriation. What is it? Some have thought it is to be a charity. Even the Senator from Virginia emphasized that phase of the question. I do not think it is a charity. I do not think it has any semblance of a charity. I do not mean to say that its effect, when distributed among these people, would not be charity; but we are not asked to make this appropriation simply because it is a charitable, philanthropic thing to do. We are asked to make this appropriation because it becomes, or it is said to become, a part of the negotiations for peace in Europe. We are asked to make it because it is said to be necessary in order to enable the President of the United States to accomplish the purpose he has in mind.

Mr. KNOX. Mr. President—

Mr. CUMMINS. Just a moment; and I say here, lest I omit it a little later, that if I were in sympathy with the thing which the President proposes to do in Europe I would have no hesitation whatever in voting for the appropriation.

I yield to the Senator from Pennsylvania.

Mr. KNOX. I merely want to ask the Senator from Iowa if he will not, before he finishes, indicate where it may be found that the proposition is connected in any way with the war?

Mr. CUMMINS. I will. The question, though, is a little misleading. I did not say "connected with the war." I said "connected with the peace."

Mr. KNOX. Well, I meant the same thing. It grows out of the war.

Mr. CUMMINS. I may as well do it now. I will come to it a little later; but, so that the Senator from Pennsylvania may fully understand what I mean by the words I have used, I observe that the President—and in that respect he is associated with Great Britain and France and Italy—believes that the peace conference should establish—peacefully, I suppose, if possible, but forcibly, if necessary—certain sovereignties in eastern and southern Europe—there are at least 10 of them—and that the United States, together with Great Britain, France, and Italy, should not only establish these sovereignties but should guarantee their maintenance, their protection, their safety; and he intends—and he makes no secret of it; it is as open as any utterance which he ever made, or which the statesmen of Europe ever made—to bind the United States to the maintenance and safety of these sovereignties which are to encircle the old Empire of Germany.

I am not going even to enter upon the question as to whether that may not be the highest duty that falls upon Great Britain, France, and Italy, for they are in Europe; but I question and I challenge the propriety or wisdom of such an undertaking upon the part of the United States. I am not in favor of it; I have no sympathy with it, and I will not vote for an appropriation which is intended to usher in that kind of obligation upon the part of the United States. There is not a Senator here who votes for this appropriation who is not committed then and thenceforth to the plan which the President of the United States has so eloquently and so graphically and so explicitly set forth again and again with regard to the relations which should exist between the United States and these new sovereignties which are to be erected in Europe.

This money, as I understand—and I now come to the question of the Senator from Pennsylvania—this money the President says is needed in order to enable these sovereignties which are to be set up to resist the advances of bolshevism, and thus to be more easily and quickly established. Now, if it is our duty to establish and care for and defend them in the days that are to come, I am willing to accept the judgment of the President with regard to the effect of this appropriation. I am willing to assume that the \$100,000,000 which we propose to expend is really necessary to enable this thing to be done. If I want the United States to enter into that relation with Europe, then I should be for the appropriation, and no one ought to question it; but if I am opposed to assuming that attitude toward the affairs of Europe, then I can not in good conscience vote for the appropriation, unless I do it for purely charitable and philanthropic reasons.

Mr. KING. Mr. President, has not the Senator narrowed too much the statement of the President with respect to the rise and spread and operations of bolshevism? As I understand the Senator, he construes the statement of the President to mean that he desires to restrain the operations of bolshevism in the new governments that may be erected out of the central powers. As I understand the statement of the President, he indicates that bolshevism is spreading westward, is poisoning Germany, and that it may prevent the stabilization of Germany, the erection of a government there with which we may negotiate a peace and from which we may exact sufficient and proper guaranties.

Mr. CUMMINS. Mr. President, I do not want to be at all technical in regard to the matter, because I think the President takes a very broad view of these great problems. The Senator from Ohio [Mr. HARDING] the other day complained of him because he was an idealist. I do not complain of him because he is an idealist, if he is one. I think he is the most intensely practical statesman of this or any other day. He knows just what he wants, and he usually knows how to get it. He began his administration in the belief that the Executive office had not the power that it ought to have; and from that day until this we have seen one step after another deliberately taken by Congress, until now the President is invested, I think, with all the powers that could be conferred upon any Executive under the Constitution of the United States. I have no doubt that he has intended to use these powers for a good purpose. I have no doubt that he believes that he is a fitter custodian of these powers than any other body of men or any other man. But I think we entirely misunderstand his character when we at-

tribute to him idealism at the expense of practicalism. He has accomplished more in the direction in which he set his face and his mind than any other man, either in this generation or in any former generation; and the only criticism, if it be a criticism, is that he has not marched in the right direction, and he has done things that he ought not to have done, and that is my objection to this bill. I do not intend to clothe him, if I can prevent it, with the power to enter into the agreements in regard to the reestablishment of Europe which he thinks the United States should make. If anyone here doubts my view with regard to his conception of the situation there, I hope he will make it known. I say that it is his view that the Jugo-Slavs, the Roumanians, the Ukrainians, the Poles, the Czechoslovaks, the Lithuanians, the Estonians, the Letts, and the Finlanders should be erected into independent sovereignties. I have no doubt he hopes that they will become republics, because I doubt not his fidelity to that fundamental principle, and never have, and I hope I never will be called upon to doubt it.

Mr. KING. Mr. President, will the Senator yield?

Mr. CUMMINS. Just a moment. He knows, and all Europe knows, that when these nations are thus grouped, and thus undertake self-government, they can not stand alone. He knows that many of them are not trained and educated and advanced to the point that will enable them to maintain orderly governments within their several borders. No one appreciates that more than he does, I am sure. No one understands it better than Lloyd George or Clemenceau or the statesmen of Italy.

What is then proposed? It is proposed that if dissensions come from within, or if force comes from without, the United States and Great Britain and France and Italy will undertake to guard and protect them against both internal disorders and exterior assaults.

If you want the United States to undertake to do that, then you ought to vote for this appropriation, because that is its purpose. It can be used, I agree, to forward that purpose. But if you do not believe that America should become enmeshed in the intricacies and in the infinite difficulties of European affairs, then you ought not to vote for the appropriation, because its use must be justified upon that ground or it can not be justified at all.

The real truth is that we are apparently passing into a period in which the distinction between nationalism and internationalism is to be disregarded. To vote for an appropriation of this character means simply that you believe it is just as much your duty to guard, protect, develop, and aid the countries of Europe as to guard, protect, aid, and develop your own country. That is the internationalism of which we hear so much. That is it exactly. The President of the United States has said over and over again in substance that there is no discrimination between the duty of this country to our own people and its duty to all the people of the earth; that we are just as much obliged to fight for liberty in Poland as we are obliged to fight for liberty in the United States; and that we are just as much obliged to maintain the Government of Poland as we are to maintain the Government of the United States. He has very distinguished company in that belief.

Suppose we were asked for an appropriation to aid a rebellion in Ireland, why should we not make an appropriation to pay the expenses of a rebellion in Ireland? Do you not believe that Ireland is entitled to her independence on the same theory exactly that Poland is entitled to her independence, or the Czechoslovaks or the Jugo-Slavs? Tell me a single reason which indicates that the countries in eastern Europe should have their independence which does not prove conclusively that the people of Ireland should have their independence. What is the difference between contributing money for Ireland to pay the expenses of an Irish rebellion and paying the expenses that are necessary to set up a government in Poland?

Mr. THOMAS. Mr. President, I am a little afraid the Senator's inquiry will provoke a suggestion and the suggestion may be followed by a bill for an appropriation in the interest of Irish independence.

Mr. CUMMINS. My attitude toward any such bill would be exactly the same as it will be toward this bill. Whatever sympathy I may have with the struggles of the people of Ireland for independence, I would no more think of voting an appropriation to pay the army which was intended to accomplish that independence than I would think of voting for this appropriation which is intended to establish sovereignties in eastern Europe. It rests upon exactly the same foundation.

Why not have an appropriation here for India? For 25 years the people of India have been struggling simply to establish the same relation between India and Great Britain that Canada, New Zealand, and Australia enjoy. Why should we not do something there if we are to take charge of the world and see that

justice is done everywhere, to see that self-determination shall prevail everywhere?

Mr. President, it is not a dream, it is a mischievous fancy and a false theory that commits the United States to the guardianship of the world and asks for an appropriation from our people in order to carry out our views of men, eminent men, too, with regard to this subject.

Mr. HARDWICK. Mr. President, while the Senator is discussing self-determination, I wonder what he thinks about San Domingo and Nicaragua?

Mr. CUMMINS. The list is long enough now.

Mr. HARDWICK. I am thinking of our own victims now.

Mr. CUMMINS. I think it was Emerson who said that consistency is the hobgoblin of small men and mean minds. By that token there are some men now holding eminent positions who would instantly be acquitted of being either small men or having small minds. I do not insist upon consistency. No individual is consistent and no nation is consistent; but I do insist that we shall not ratify in advance the proposal that is being made in Paris by contributing money to the forwarding of a movement of which that proposal is a part.

I do not object to Great Britain and France and Italy guaranteeing the existence and maintaining these new sovereignties. I have the greatest sympathy with their establishment. I hope they will be so successful that all the world finally will enjoy the blessings of free government. All that I am insisting upon is that it is not our business, that it is not safe for the United States, that it is not tolerable for the United States to enter an undertaking of that kind.

We have one guaranty in existence. It pertains to Cuba, and it was wise. Let the successful nations of Europe undertake the guaranty that may be necessary in order to hold these new nations in their places. It will be an evil day when the United States shall find itself bound to send her soldiers or her Navy into the uttermost parts of the earth in order to reduce the inhabitants of some region to order. It will be an evil day for the United States when, forsaking the vital problems of our own country, we devote ourselves primarily and permanently to the problems of other countries.

Mr. KING. Will the Senator yield?

Mr. CUMMINS. I yield to the Senator.

Mr. KING. I rose a few moments ago to suggest to the Senator—but that is not what I have risen to suggest now—that I do not think the President has ever stated, officially or otherwise, that he believes each of the Balkan Provinces, including Lithuania and Estonia, should be separate and independent nations. I think the President entertains the view that if the Russian people prefer a united republic because of geographic and ethnographic lines they should be permitted to have it, or if some of the territory that formerly was a portion of the Russian Empire should, because of geographic or ethnographic reasons, segregate itself and set up an independent government, and they shall desire that, they ought to be permitted to work out their own salvation.

I think what the Senator said with respect to the President's view concerning Poland and the Government of the Czechoslovaks and the Jugo-Slavs is entirely accurate, and is based upon statements which he has made.

But if the Senator will pardon me a moment further, does not the Senator think the record of Germany, the multitudinous utterances of her statesmen, warriors, scholars, preachers, and even members of the socialist and proletarian organizations during the war and up until the armistice, and some declarations since, evince a purpose upon the part of the German people not only to rise to power and imperial greatness again, but when they do rise to sufficient strength and power to engage in some punitive expedition against those who have been her adversaries in this conflict? Keeping that view in mind, if that question should be answered affirmatively, is it not the part of wisdom, and would not the allied representatives be guilty of a lack of statesmanship and wisdom if they should not do it, in a prudent and proper and just and righteous way, to encourage the organization of other nations that would hem in, if I may be permitted that expression, Germany, to prevent her from again engaging in warlike activities for the destruction of nations in Europe, and perhaps the destruction of nations in other lands?

Mr. CUMMINS. With the limitation just put upon the statement of the Senator from Utah, of course he is right; but what are righteous measures, what are just measures, what are equitable things for the United States to do? That leaves the whole question open.

It is my opinion that the establishment of lesser sovereignties around Germany, with the privilege upon the part of Germany to arm herself, instead of being an inducement to peace and the

safety of the world from the ambitions of Germany, will be, on the other hand, the easy opportunity for Germany to accomplish her purpose. But I will come in a moment to the German situation. I do not intend to deal with it at length. I will say, though, immediately, that if it is necessary to carry out our purposes against Germany to make this appropriation, then I have no doubt about its wisdom, but from my standpoint the German problem is not difficult and does not involve the expenditure which is here suggested.

Mr. WALSH. Mr. President—

Mr. CUMMINS. I yield to the Senator from Montana.

Mr. WALSH. May I direct the Senator's attention again to Ireland for a moment? The Senator has stated that the aspirations of the people of Ireland for independent government are similar to those of Poland. Is there not an essential difference which the Senator apparently overlooked between the situation of Ireland and Poland and these other countries? As a war measure, and for the purpose of bringing the strife to a more speedy termination, we encouraged the subject nations of the central empires to arise and revolt and assert their independence. We encouraged them to revolt against German domination and to set themselves up as independent governments. That was a very proper course in war. These are subject nations of the countries with which we are at war, whom we incited to establish independent governments. Is there not due from us accordingly a somewhat different obligation than that which arises toward the nations which are held subject to our allies?

Mr. CUMMINS. Mr. President, of course the parallel between Ireland and, for instance, Poland is not exact. I only drew them together in order to indicate their substantial similarity, so far as our encouragement is concerned. We were fighting Germany, and these people were hostile to Germany, and they rose and declared their independence. I do not remember any encouragement or promise from the United States that carried itself to the extent of saying that "If you will rebel and establish an independent government, we will undertake to defend you against Germany or against any other country with which you may be at war."

Mr. WALSH. I remember no such promise, either; but the Senator will remember that we did encourage them to rise, and, furthermore, it is obligatory upon us, as a matter of course, to insure, so far as we can, ourselves against a recurrence of the aggression of Germany. Poland is created as a buffer State between Russia and Germany, as a safeguard against the domination of Russia by Germany. Would it not be quite proper, as a part of the peace arrangement, to insure such a condition of things in order to prevent the possible recurrence of the aggression of Germany and her effort to dominate the world?

Mr. CUMMINS. I know, Mr. President, that Poland, from the standpoint just suggested by the Senator from Montana, is not to be an independent nation. It is to be a pawn, a buffer. That emphasizes what I said a few moments ago, that when this appropriation is made it carries with it a pledge upon the part of the United States that we will protect Poland, that we will come to its defense if attacked. I suppose it involves also an obligation to bring order in Poland if there are internal dissensions, because in order to enable Poland to perform the office which the Senator from Montana has just suggested, it must stand, it must not be overthrown; and who is to see that it stands, who is to see that it is not overthrown? Among others, the United States.

I am in favor of a league of nations or an alliance of nations to prevent war. The Senator from Illinois [Mr. LEWIS], who so beautifully interprets not only the oracles but the silences of the White House, has on many occasions demonstrated that there ought to be an alliance of nations. I am not in favor of the alliance which was foreshadowed in the many utterances of the President before he went to Europe. I have no doubt he has changed his views in that respect, as all wise men will change their views as circumstances change and conditions are altered. But I am not in favor of any alliance of nations or league of nations which will bind the United States to furnish an army or a navy or put an army or a navy in charge of a supnation or superpower in order to overcome either internal disorders in Poland or defend, for instance, against the assault of the Ukrainians. I am not in favor of an alliance of nations proceeding to that extent, and I understand the President is not now in favor of such an arrangement among the powers of the earth.

Mr. WALSH. Permit me, then, to inquire of the Senator if he is in favor of a league of nations that will prevent the aggression of Germany against Poland and the possible reabsorption of Poland by Germany?

Mr. CUMMINS. Yes. We have an alliance of nations now that ought to prevent Germany from making war on any power. That brings me to just a word about Germany.

Departing from the brilliant rhetoric which has no meaning whatever with regard to making the world safe for democracy, which is as illusory and as temporary as the morning mist, and coming to the real reasons for our entrance into this war and the object which we had to accomplish through the war or by the war, let me say that I agree with the Senator from Georgia [Mr. HARDWICK] that the aggravating causes for our war with Germany were the continuous inroads and invasions of American rights upon the sea, the brutal, inhuman, murderous conduct of Germany with respect to our rights and the rights of our citizens upon the sea.

I doubt whether we would have entered the war simply to vindicate those rights, although the Senator from Georgia thought we would. I think we entered the war only when there came to the American people the overwhelming belief that if Germany won in her struggle with Great Britain, France, and Italy she would then turn her arms against the United States and become not only a remote but an instant menace to our institutions and to our liberty. It took the American people a long while to reach that conclusion, but they finally did. They finally did see that Germany and her militarism, her ambitions, meant the overthrow of the United States, her institutions, and her civilization. Our object in entering the war was to end that menace. There is just one way in which we can end it. We won the war. There is just one way in which, so far as Germany is concerned, we can forever remove the fear and the apprehension that urged us into this mighty conflict, and that is to disable Germany, disarm her, and keep her disarmed.

I do not know how long it may require to change the character, the hearts, the hopes, the purposes of the German people, but until the character of that people is changed fundamentally they ought not to be permitted to carry arms save to police their internal affairs. That is the way, from my standpoint, in which we ought to deal with Germany. We ought not to leave her capable of attacking any nation.

Mr. WATSON. In order to get the Senator's viewpoint, I should like to ask him whether or not he means by that that we shall keep our own standing army in Germany until Germany changes her character.

Mr. CUMMINS. No; I do not. I assume that Great Britain, France, and Italy should police Germany, so far as it is necessary to police her. But if Germany, after having agreed to disarm herself and after her fortifications are razed to the ground, after her munitions factories are demolished, and after all her military equipment disappears, then begins to re-create her military establishment, I am willing to go to Europe again to destroy Germany's preparations for another war. I have but one thought, and that is that Germany shall for a long series of years be without an army, without a navy, without a munitions factory, without an establishment that turns out guns or that will enable her to become dangerous to the remainder of the world. We can not do that by establishing a circle of sovereignties around Germany and depending upon them to restrain her ambitions.

Mr. WALSH. Mr. President—

The PRESIDING OFFICER (Mr. KNOX in the chair). Does the Senator from Iowa yield further to the Senator from Montana?

Mr. CUMMINS. I yield.

Mr. WALSH. I understand the Senator from Iowa, however, does not desire that this country shall assume any portion of that burden?

Mr. CUMMINS. I am willing to assume that burden if Germany violates her agreements in that respect or violates the terms we impose upon her. I would not keep a single soldier in Europe for that purpose. I would bring them all home after we have done the thing which I have suggested, namely, to dismantle Germany in a military way and destroy whatever materials she may have already on hand that can be turned in that direction. If, then, Germany refuses or fails to perform the terms which we have imposed upon her and begins again the establishment or creation of her military system, and begins again to manufacture guns and to train armies and to construct vessels, and if Great Britain and France can not prevent that infraction of her agreement with us, I am willing to go again and complete the undertaking upon which we formerly entered.

Mr. KING. Will the Senator yield?

Mr. CUMMINS. I yield.

Mr. KING. Is not the argument which the Senator has just made, namely, that Germany should be prevented again from embarking upon a military career, because if she did it would

be a menace to our country, an argument in favor of some sort of agreement or league of nations, by whatever name you want to call it, with the allied Governments with whom we have been associated, by which the guarantees that shall be exacted from Germany shall be carried out, and she shall be prevented in the future from becoming again an enemy to civilization and to the world?

Mr. CUMMINS. That is precisely what I said. I regard that not as a new obligation which we should assume; that is our obligation now without any league of nations, without any further alliance than we have.

What I have said, I think, is in exact harmony with the suggestion of the Senator from Utah [Mr. KING]. I am not saying that the peace conference should not set up these sovereignties; I hope that they will be given free rein, in order that each of these races, with such modifications as may be necessary, may be given independence; I want to see that happen; but it seems to me that the wise course, so far as Germany is concerned, is to say to her, "We lay no obstacle in your way for commercial development." Indeed, we ought to foster that, for if we are to receive reparation, if Germany is to pay for the infinite destruction which she has caused in the world, the German people must earn the money with which to pay it; Germany must earn what becomes necessary to repair Belgium, to restore France, to indemnify Great Britain, and to reimburse the United States—for I think that ought to be one of the terms—but in order to earn that money Germany must be permitted her commercial activities. Otherwise it would be simply a brutum fulmen to say that she shall pay if we do not give her an opportunity to earn the money with which to pay.

However, so far as Germany's military establishment is concerned, I would destroy it. Whatever may be necessary to enforce internal peace—that is, the peace of municipalities and the like—she ought to be permitted to preserve; but in so far as her military establishment, that could or would be used in a world war, or in a war on any other nation, she ought to have none. That ought to be the penalty which shall be imposed upon her for her wickedness and malice in beginning and carrying on this most destructive war of the ages. If Germany at any time is found to be disobeying the terms which we impose upon her in that respect, then it would become the duty, first, of Great Britain and France, because of their proximity, and, next, of the United States, to whip her again, and see that she does not establish that military strength.

Mr. McKELLAR. Mr. President—

Mr. CUMMINS. I yield to the Senator from Tennessee.

Mr. McKELLAR. What does the Senator from Iowa propose to do with Germany's navy?

Mr. CUMMINS. I go no further in that problem than to say that it should not belong to Germany. The Senator from Tennessee can do anything he pleases with it if it is not permitted to remain the instrument of German destruction.

Mr. McKELLAR. I agree entirely with the Senator from Iowa. I do not want to do anything with it except to keep Germany from using it against civilization.

Mr. CUMMINS. All I insist upon is that Germany shall be left helpless and harmless for the years to come.

Mr. President, believing that these are the principles that should be observed in making peace with Germany, and that these are the principles that ought to be enforced with regard to the new nations that are to be established in eastern and southern Europe, I find no other conclusion possible than to oppose the appropriation which is intended to commit the United States, not only to the establishment but to the guardianship, the protection, and the defense of every country in Europe for all time to come.

Mr. CALDER obtained the floor.

Mr. PENROSE. Mr. President, will the Senator from New York permit me to interrupt him for just a moment, as I have to attend a meeting of the conference committee on the revenue bill?

Mr. CALDER. I yield to the Senator from Pennsylvania.

Mr. PENROSE. I hold in my hand a telegram from C. H. Canby, who, I am informed, was formerly president of the Board of Trade of Chicago, and is one of the leading grain dealers in that city, a man of high standing and wide experience as to the food situation here and abroad. His telegram reads:

CHICAGO, ILL., January 22, 1919.

HOB. BOIES PENROSE.
Washington, D. C.:

Rumors are current that the Food Administration has already expended over \$20,000,000 of the expected appropriation without authority of law. This situation should be investigated to determine if there is any truth in the report.

C. H. CANBY.

I do not know whether there is any Senator on the floor at the present time having charge of the pending bill in the absence of the Senator from Virginia [Mr. MARTIN]—

Mr. McKELLAR rose.

Mr. PENROSE. Has the Senator from Tennessee the bill in charge?

Mr. McKELLAR. I have not the bill in charge. I am merely representing the Senator from Virginia.

Mr. PENROSE. Then I should like to ask the Senator from Tennessee whether or not such rumor has been called to his attention or whether he knows anything about the matter?

Mr. McKELLAR. The reading of the telegram by the Senator from Pennsylvania was the first intimation I had of it.

Mr. PENROSE. In view of the fact that this telegram comes from a gentleman of the highest responsibility and a leader in the food situation in Chicago, nationally and internationally, I should be glad if the Senator from Tennessee and the chairman of the committee would take occasion to look into the matter; and I will call their attention to it later on.

Mr. McKELLAR. I will call the attention of the chairman of the committee to it as soon as he returns to the Chamber.

Mr. CALDER. Mr. President, the debate on this bill has assumed a wide range, and I think it is well that it has, for I believe as a result of this discussion Senators have come to understand some facts with which they were unfamiliar.

The people of this country during the war raised for the Red Cross and other organizations engaged in like work sums totaling nearly \$1,000,000,000. This money was spent in the camps in this country and Europe for the benefit of our soldiers and our allies, and to a very great extent to relieve the condition of the people living in the countries associated with us in the war. The American people gave freely to these funds, and my information is that when the armistice was signed great quantities of food were stored in the warehouses of Europe under the control of the Red Cross. I assume, of course, that this food is being used to relieve the hunger of the people of the countries really in need.

From the very beginning of the war England, France, and Italy, and the neutral countries of Europe had located in this country commissions authorized to purchase and forward food to them. These commissions in their work here were associated with the United States Food Administrator, Mr. Hoover. We dealt liberally with these people. Everything was done to give them as much food as we could spare, and at the lowest price under the circumstances. England, I am told, as a result of this liberal attitude on the part of the United States, at the close of the war had stored in her warehouses a food supply for her people and her army that would have lasted four months. France, although not as well supplied, had a large surplus on hand. Much of this was brought about through the willingness of the American people during the year 1918 to give up much of the food to which they had been accustomed. I am told also that the record shows the consumption of wheat in the United States in 1918 was over 100,000,000 bushels less than in the previous year and that the quantity of sugar consumed in this country was much less than the previous year, and, further, in the curtailment of every single food product the American people willingly responded.

During all of this period we were building up a great surplus stock. The splendid crops of last year, exceeding by far the crops of 1917, added much to the surplus. In fact, the failure to realize the extent of this increase and the insistence upon curtailment on consumption gave us a surplus out of all proportion to the needs of either our allies or ourselves for the year 1919. Naturally, with the high prices prevailing, production was encouraged in every line, and when the end of the war came we had in the storehouses of America a supply of food far beyond the anticipations of anyone.

We find ourselves now, with the war over and the stoppage of the flow of foodstuffs to Europe, in a condition where, if things were normal and the Government had not taken over the fixing of the prices of food, the people of this country would be able to buy the necessities of life at nearly one-half of what they are to-day.

Europe has stopped buying from us because they can buy cheaper from other places. I am informed that Argentine wheat can be bought to-day for \$1.29 per bushel and that there are over 160,000,000 bushels stored in that country. Australian wheat can be bought for \$1.14 per bushel, and there are 200,000,000 bushels available, while 80,000,000 additional bushels can be had in India. As against these prices, American wheat at \$2.26, primary market, with freight and terminal charges added, bringing it nearer \$2.45, will have no market abroad.

Corn in Chicago sells for \$1.23 per bushel, while the Argentine corn can be purchased for half that figure. The same holds good for oats, rye, and other products of the farm. The other day I received the astonishing information that in the city of New York alone there were in the neighborhood of 750,000 barrels of flour in the storehouses, and that this enormous supply was so alarming to the flour merchants of the city that they were offering it at a price lower than was agreed upon with the Food Administrator. These figures, of course, are staggering when one comes to consider the price of food to the consumer.

In connection with hogs, it is of interest to note that the 40 principal packing companies joined in sending a letter to the Food Administration last October, in which they expressed the opinion that the proposed basis of stabilizing the price of hogs would result in unduly high prices to the consumer. This letter appears in the Official Bulletin of October 7, and I quote from it as follows:

This plan may result in the warehouses being filled up with high-priced products. We feel that the establishing of the basis suggested may result in higher prices to the consumer.

The situation now is that hogs are being offered to the packers at less than the guaranteed price of \$17.50 per hundred-weight. The packers, however, being completely under the domination of the Food Administration, do not dare buy at any lower prices.

Yesterday's Washington Post contained a report of Tuesday's grain market in Chicago. This shows that the rumor that the Food Administration is to maintain the present artificial high price of hogs resulted in an increase of 3 cents a bushel in the price of corn.

The Food Administration formed a corporation under the laws of the State of Delaware, known as the "Sugar Equalization Board." This board bought the entire crop of Cuban cane sugar. The producers there were given to understand that no other purchasers except the board would be able to secure transportation facilities. The board pays the sugar producers 5.50 cents f. o. b. Cuba. This makes the cost of sugar 6.90 cents, duty paid and delivered to the refineries along the Atlantic coast.

Here comes the "nigger in the woodpile." The board, instead of selling to the refineries at this price of 6.90 cents, charges them 7.28 cents a pound for this sugar, thus giving the board a clear profit of 0.38 cent a pound on each pound of raw sugar brought into the country and increasing the price to the consumer by just this amount. If this procedure is continued, the board will make a clear profit this season of about \$30,000,000, which, in reality, is a consumption tax on the American public.

Mr. SMOOT. Mr. President—

The PRESIDING OFFICER (Mr. WATSON in the chair). Does the Senator from New York yield to the Senator from Utah?

Mr. CALDER. I yield.

Mr. SMOOT. I do not know whether the Senator is aware of the reason for that difference of 38 cents a hundred, and if he has no objection I will briefly state it at this time.

Mr. CALDER. I have no objection to the Senator doing so.

Mr. SMOOT. Last year, Mr. President, it became quite evident that there would be a shortage of sugar in all the world, and in order to induce the beet growers of the West and the sugar-cane growers of the South to plant additional acreage for the production of sugar, the price of beets was advanced to \$10 a ton. Mr. Hoover and the people interested knew that they could not get the tonnage without that increase, particularly after the price of wheat had been fixed as high as it had been.

There was an agreement reached with Cuban producers of sugar that they should be paid \$6.50 for their sugar, and the 38 cents difference, I will say to the Senator, between the cost and the freight of Cuban sugar and the amount for which it is sold to the refiner goes to make up the loss on the sales of sugar produced from \$10 beets; in other words, it was equalized by the 38-cent profit made upon the Cuban sugar in order that the Food Administration could take care of the loss of about 60 cents a hundred on beet sugar, thus making the price of sugar uniform throughout the United States, whether produced from beets or produced in Cuba. I simply wanted to say to the Senator that that is how that difference comes about.

Mr. CALDER. Mr. President, let me inquire of the Senator from Utah if he has any information as to the disposition to be made of this profit by the board?

Mr. SMOOT. Mr. President, I hardly think there will be any profit on the whole transaction. The Food Administration purchased all the beet sugar, and the loss on the same is 60 cents a hundred, as I remember now. That applies also to the cane

sugar of the South. The 38 cents profit on the Cuban sugar offsets the loss of 60 cents on American-produced sugar in this way: There is more Cuban sugar consumed in the United States than there is sugar produced in this country, and if the Senator will figure out the amount of Cuban sugar consumed and the amount of beet sugar and cane sugar produced and consumed in this country he will find that the profit of 38 cents a hundred on Cuban sugar will just about offset the loss of 60 cents a hundred on the sugar produced in this country.

Mr. FRANCE. Mr. President—

Mr. CALDER. I yield to the Senator from Maryland.

Mr. FRANCE. Mr. President, I should like to ask the Senator from Utah a question while he is on that subject. Can the Senator inform me as to what profits were allowed the beet-sugar manufacturers, and how those profits compared with the profits which they had hitherto been making?

Mr. SMOOT. I will say to the Senator that the profits allowed to the sugar producers of the West were very greatly reduced in the year 1918 below what they had been in 1917. In other words, during 1917 the price of the beets purchased by the beet-sugar manufacturers ran all the way from \$6.50 up to \$8 per ton, and they sold the sugar for higher prices during that year than they sold the sugar for during 1918. The sugar made in 1918 was made from \$10 beets, so that really the profits of the beet-sugar companies in 1918 were nothing as compared with their profits in 1917.

Mr. CALDER. Mr. President, nor is this all. The Sugar Equalization Board have presented contracts to all the sugar refineries, the terms of which specify that the refineries will not purchase any raw sugar except from the board up to December 31, 1919. A very eminent lawyer in New York, Mr. William D. Guthrie, has advised his clients, the Federal Sugar Refining Co., that this contract is clearly illegal and in violation of the antitrust laws. I attach herewith Mr. Guthrie's opinion, which was published in the Journal of Commerce on December 24 last, and ask that it be printed in the RECORD.

The PRESIDING OFFICER. Without objection, permission is granted.

The matter referred to is as follows:

SUGAR CONTRACT CALLED ILLEGAL.—WILLIAM D. GUTHRIE WARNS AGAINST PROPOSAL.—OPINION IS FURNISHED AT THE REQUEST OF FEDERAL SUGAR REFINING CO.—CONTRACT IN QUESTION WOULD GOVERN TRADE FOR 1919.

In the opinion of William D. Guthrie, of Guthrie, Bangs & Van Sinderen, 44 Wall Street, the proposed new contract between the United States Food Administration and the sugar-refining industry would be held invalid by the courts. Mr. Guthrie believes that the creation of the United States Sugar Equalization Board (Inc.), a Delaware corporation, as the instrumentality of the Food Administration for the carrying out of the contract is "plainly illegal," and that other features of the proposed contract are of "doubtful legality." The signing of the armistice, it is held, has radically changed the situation.

The opinion of Mr. Guthrie was sought by the Federal Sugar Refining Co. The proposed contract is dated October 24, 1918, and is to remain in force until December 31, 1919. It provides, among other things, that until December 31, 1919, the refiners will not purchase any sugar except from the Delaware corporation, other than such sugars as are provided under the agreement of October 1, 1917, and Hawaiian sugars, and that the Delaware corporation "may earn a profit on any sugar it may purchase and resell to refiners, or any sugar it may purchase from refiners and resell for export."

TEST OF OPINION.

In part, Mr. Guthrie's view reads as follows:

"I am of opinion that the proposed agreement above mentioned, to be entered into by the American refiners and dated October 24, 1918, would be held invalid by the courts on the ground that it was beyond any power vested in the United States Food Administrator or any other officer of the United States Government, and that it would so held illegal on the ground that it constituted a violation of the prohibitions of the acts of Congress commonly known as the Sherman Antitrust Act and the Clayton Act, approved, respectively, July 2, 1890, and October 15, 1914, as well as of the act of August 10, 1917, itself.

"I am also of the opinion that the proposed agreement would imply and create an obligation on the part of each refiner signatory to buy from the Delaware corporation an amount of raw sugar approximately commensurate with the normal requirements of the refiner's business notwithstanding the provision above quoted from article 6 of the agreement, to the effect that several refiners are 'not in any way limiting their ordinary power or business discretion to determine to what extent they may severally operate their refineries.'"

EFFECT OF ARMISTICE.

"I do not question the patriotic and humanitarian motives which have actuated the Food Administrator and his representatives during the crisis of the war. The conditions existing in October, 1917, may have justified extra-legal methods, to which patriotic refiners were readily willing to accede. But conditions have meantime materially changed. The President—advisedly, as we must assume—declared to the Congress on November 11, 1918, in stating the terms of the armistice, that the war thus comes to an end; for, having accepted these terms of armistice, it would be impossible for the German command to renew it.

"In the light of this official pronouncement by the President, it certainly behooves all Government officers carefully to consult the legal source of their authority and to bear in mind that their powers are limited by the statute, that they can not go beyond its limits, and that no emergency, however grave, can of itself create any source of power. It likewise behooves Government officers now to reflect upon the very questionable propriety of attempting to coerce acquiescence in extra-legal acts by undue pressure or by threats to withdraw licenses or otherwise, however patriotic or benevolent their motives may be.

"I should add that in my opinion section 2 of the act of August 10, 1917, does not empower the President, or the Food Administrator, or any other officer of the Government to organize a corporation under the laws of a State, such as the United States Sugar Equalization Board (Inc.), to act "as an agency of the United States for the purpose in part of equalizing the distribution and selling price of sugar.

IMPOSE A CONSUMPTION TAX.

"The creation by the Food Administrator of a State corporation to be availed of as an alleged instrumentality of the Federal Government, the engaging by him in the business of buying and selling sugar (if in fact it be not speculating in sugar), and the disregard of the letter and spirit of sections 4 and 9 of the act of Congress of 1917, are in my opinion plainly illegal, and other features of the proposed agreement are of doubtful frugality. The Delaware corporation may be, and presumably will be, operated for profit, but no such agency of the United States has been authorized by statute with power to risk the funds of the United States or to collect or extort a profit from the people out of the distribution of a food product. Under this plan the Food Administrator could in practical effect impose a consumption tax. This is not a legitimate method of effectuating any power so far delegated to the President or the Food Administrator, and certainly it is not warranted by the act of 1917.

RESTRAINT OF TRADE.

"The agreement in its provisions, its intent, and its purpose would, in my opinion, be held by the courts to be beyond the power of the Food Administration and invalid, and hence not binding upon or enforceable against any of its parties, and least of all binding upon or enforceable against the Food Administrator. No officer of the Government can reasonably or properly be said to act under color of a law which neither gives him nor any other person authority to do the acts in question.

"The proposed agreement, in my opinion, is a combination in restraint of foreign and interstate trade and commerce, and as such clearly violative of the provisions of the several acts of Congress above referred to, namely, the Sherman Antitrust Act, the Clayton Act, and the act of August 10, 1917. This proposition seems to me to be plain and indisputable, and particularly so in view of the provisions of sections 4 and 9 of the last-named act.

WOULD BE NO DEFENSE.

"The Food Administrator, if he entered into the proposed agreement, would be acting not as an officer of the Government but individually as a self-constituted trustee and guardian of the sugar trade, and his official character and patriotic motives would be no defense even to him if indicted or sued for a violation of the several acts of Congress. Nor would it afford any defense to the American refiners to plead that they had entered into such a combination or agreement from patriotic motives at the urgent request and pressure of the Food Administrator or of the President or were coerced thereto by an official threat of having their business ruined by the withdrawal or cancellation of their licenses. Moreover, it should be recalled that any third person injured in his business or property by the operation of the proposed combination could sue any of the parties thereto and recover threefold damages, as prescribed in section 7 of the Sherman Act. That this might constitute a very serious risk can not be doubted."

Mr. CALDER. Nor is this all. During the war there have been tremendous accumulations of raw sugar in Java, which next to Cuba is the largest producer. Authorities in the trade state that this sugar can now be laid down in New York at about 2 cents a pound under the price at which the Sugar Equalization Board is selling to refineries. This Java sugar, however, can not be brought into this country because the Sugar Equalization Board, in protecting its "corner," has the active cooperation of the War Trade Board. The latter made the public announcement on January 14, as follows:

The War Trade Board announces that hereafter licenses for the importation of sugar will be issued only to the Sugar Equalization Board (Inc.) or its nominees.

We thus see that the Food Administration, acting through its creature, the Sugar Equalization Board (Inc.), has established a "corner" on imported cane sugar; it is levying a tribute of about three-eighths of a cent per pound on every pound of raw sugar; and it is protected in its "corner" by the War Trade Board.

Owing to the importance of tin plate in the manufacture of containers for foodstuffs, the situation in tin is worth noting. Tin is selling in London at about 55 cents a pound. It should be selling here for only a few cents more; as a matter of fact, through the operation of the War Industries Board and of the War Trade Board, tin can not be purchased in this country under 72½ cents per pound. The reason is that the War Industries Board contracted for an enormous supply of tin when prices were at their highest. This tin is now coming into the country and is being offered to the trade at 72½ cents per pound. In order to protect this Government speculation in tin, the War Trade Board will not issue licenses to any private individuals or companies to bring tin into the country, and consumers instead of buying their tin under 60 cents a pound must pay 72½ cents. Here again is an example of the results brought about by clumsy attempts on the part of Government agencies to set aside the laws of supply and demand.

I saw in the newspapers the other day a statement attributed to an officer of the Quartermaster Department appearing before a committee of the House of Representatives, in which he insisted that his department would require a 10 per cent increase in their allowance for food for the Army on the theory that when the Food Administrator ceased to fix the price of food products they would rise at least 10 per cent. This appears to

me to be absurd, because with the enormous quantity of food here in this country, and with England and France buying from Argentina and Australia at a price 40 per cent less than we can sell them, there can be but one result, and that is cheaper food for the American people.

My attention has been called, Mr. President, to a statement published in the New York Sun of last Sunday, which shows the extent to which the food supply has been increased in this country compared with a year ago. I quote from that statement as follows:

FIGURES SHOW BIG INCREASE.

Statistics from sources that can not be disputed show that on January 1, 1919, there was an increase of 389,221,075 pounds over January 1, 1918, in storage, of frozen-beef stocks, cured beef, frozen lamb and mutton, frozen pork, dry salt pork, pickled pork, lard, and miscellaneous meats. In the face of these staggering stores many who dispute the wisdom of a continuance of governmental price fixing on hogs with bacon retailing at 60 cents per pound say they can not see any necessity for the present high prices ruling for pork.

The comparative figures of these stocks in pounds tell their own story:

		FROZEN BEEF.	Pounds.
Jan. 1, 1919	-----	295,206,748	
Jan. 1, 1918	-----	274,073,518	
Increase of	-----	21,133,230	
Plus holdings not reported	-----	1,240,615	
Total increase	-----	22,382,845	
		CURED BEEF.	Pounds.
Jan. 1, 1919	-----	35,601,588	
Jan. 1, 1918	-----	33,077,346	
Increase of	-----	2,524,242	
Not reported	-----	564,754	
Total increase	-----	3,088,996	
		FROZEN LAMB AND MUTTON.	Pounds.
Jan. 1, 1919	-----	12,254,508	
Jan. 1, 1918	-----	6,219,298	
Increase of	-----	6,035,210	
Not reported	-----	190,410	
Total increase	-----	6,225,620	
		FROZEN PORK.	Pounds.
January 1, 1919	-----	59,854,765	
January 1, 1918	-----	30,192,103	
Increase of	-----	29,662,662	
Not reported	-----	2,220,301	
Total increase	-----	31,882,963	
		DRY SALT PORK.	Pounds.
January 1, 1919	-----	350,884,441	
January 1, 1918	-----	234,055,592	
Increase of	-----	116,828,849	
Not reported	-----	2,963,940	
Total increase	-----	119,792,789	
		PICKLED PORK.	Pounds.
January 1, 1919	-----	289,409,761	
January 1, 1918	-----	242,295,401	
Increase of	-----	56,114,360	
Not reported	-----	3,964,066	
Total increase	-----	60,079,266	
		LARD.	Pounds.
January 1, 1919	-----	100,755,440	
January 1, 1918	-----	51,873,806	
Increase of	-----	48,881,634	
Not reported	-----	3,209,894	
Total increase	-----	52,091,528	
		MISCELLANEOUS MEATS.	Pounds.
January 1, 1919	-----	127,942,489	
January 1, 1918	-----	34,965,952	
Increase of	-----	92,976,537	
Not reported	-----	700,531	
Total increase	-----	93,677,068	

These figures indicate that there were on January 1, 1919, 389,221,000 pounds of frozen beef, lamb, and pork in storage over January 1, 1918. An analysis of these figures will show that the quantity of these food products in refrigerators in this country will amount to the enormous sum of 1,200,000,000 pounds. What shall we do with such a surplus and the demand on the part of the people for cheaper food? The President has fixed the price of wheat at \$2.26 for the farmer in 1919, and the Food Administrator has fixed the price of many other products by regulation. In a few days the Food Administrator's department will determine again just what price will

be placed on some of these commodities for this year. The people of this country will not be willing to continue to pay 75 cents a pound for butter, 45 cents for ham and bacon, 50 cents for beef, 40 to 50 cents for lamb, and \$12 a barrel for flour when they know that the country is filled with enormous supplies of these products.

The other day I read in the newspapers, and it was stated on the floor of the Senate, that we will be asked to appropriate a large sum of money, even as high as \$1,000,000,000, to make up the difference this year between the guaranteed price of wheat to the farmer and the normal price in the world's market. Mr. President, there are just two ways to determine this matter, in my opinion, either to repeal that provision of the Food Administration act giving the President the power to fix the price of wheat or else appropriate the necessary amount, so that the country may be able to obtain food at fair prices.

It is obvious that unless the regulations of the Food Administrator and the War Trade Board are entirely abrogated, prices of necessities in this country—and therefore the prices of all commodities—will remain close to their present high levels. Among other effects of this artificial condition is that this country will be the worst market for foreigners to buy in and the best for them to sell in; result, a rapid disappearance of the favorable balance of trade which this country had enjoyed the last few years.

This whole question of high prices of food goes with the prices paid for everything else. The junior Senator from Ohio [Mr. HARDING] stated the other day that if we hoped to readjust prices the wage of the workingman must also be readjusted. I concur with him in that statement; but I do insist, Mr. President, that the workingman of the country is not asking any more for what he has to sell than his employer, who is also getting his full share of the profits. The slightest inquiry will develop the fact that while the workingman's pay has been increased materially during the war, it has not been increased out of proportion to the things he is compelled to buy.

If we insist that the price of wheat is to be maintained during the coming year, and with it the price of other food products, then, indeed, it will be difficult for us to insist on the readjustment of the workingman's pay. On the other hand, if we reduce the price of the products raised by the farmer, he has a right to demand that the things he has to purchase be likewise reduced in cost.

Senators have arisen in their places here to denounce combinations of capital and to criticize the business man, and I believe the criticism is just in some cases, for many men have taken advantage of the war emergency to raise prices out of all proportion to the needs of their business. And let me here, today, warn these men that unless there is a disposition here and now on the part of everyone to make some sacrifice in the interest of all concerned, then the whole business fabric will come toppling over our heads. If all are willing to help, then business catastrophe may be averted. If not, who can tell what the future may have in store?

Mr. PENROSE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The Secretary will call the roll. The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hardwick	Martin, Va.	Smith, Mich.
Bankhead	Henderson	Moses	Smoot
Beckham	Hitchcock	Myers	Sterling
Borah	Johnson, Cal.	New	Swanson
Calder	Johnson, S. Dak.	Nugent	Thomas
Coit	Jones, Wash.	Overman	Thompson
Culberson	Kellogg	Page	Townsend
Cummins	Kenyon	Penrose	Trammell
Curtis	King	Phelan	Underwood
Fletcher	Knox	Polindexter	Wadsworth
France	La Follette	Pollock	Walsh
Frelinghuysen	Lewis	Pomerene	Watson
Gay	McCumber	Ransdell	Weeks
Gore	McKellar	Saulsbury	Williams
Gronna	McLean	Shafroth	
Hale	McNary	Sheppard	
Harding	Martin, Ky.	Sherman	

Mr. LEWIS. I wish to announce that the Senator from Delaware [Mr. Wolcott] is absent on official business.

Mr. CURTIS. I have been requested to announce the absence of the junior Senator from West Virginia [Mr. SUTHERLAND] on account of illness in his family. This announcement may stand for the day.

The PRESIDING OFFICER. *Sixty-five Senators have answered to their names. A quorum is present.

Mr. SMOOT. Mr. President, never in my service have I been undecided as to what was the best thing for me to do until the pending measure was under consideration by the Appropriations Committee.

I have served in the Senate now for nearly 16 years. I never had a pair during that whole time. I never have dodged a vote in any way. I always have had my mind clearly made up on every proposition that has been presented to the Senate of the United States during that term of service. My conscience has been perfectly clear in regard to every vote I have ever cast; but I want frankly to admit now that I am not so clear in my mind as to what is the best thing to do, whether to vote for or against this measure. I have been trying to definitely decide from reading the testimony submitted in favor of it and the remarks made. I know this: I would prefer to make a mistake, if I do make a mistake, in upholding the representatives of our Government now seeking terms of peace in Europe than to make a mistake upon the other side.

Mr. President, I can not believe that before Mr. Hoover left the United States for Europe he had a complete understanding of what he was to do when he reached there, or that he had any understanding whatever with the supreme council of supply and relief or with the allied war council as to what should be done by way of relief for the suffering countries of the Old World. I do not believe I reveal any secret when I say that the day before Mr. Hoover sailed for Europe he asked the chairman of the Appropriations Committee to call a meeting of the members of that committee—and I might add that there were a few other Senators present who were not members of the committee—and at that meeting he stated that he intended to leave for Europe the next day, and he felt that it was his duty to tell the members of the committee the object of his mission. He stated that he had been asked by the President of the United States to go to Europe for the purpose of assisting the allied countries in the distribution of the necessities of life to the starving people of Europe. Mr. Hoover did not go into details as to why that should be done, but he said that it was absolutely necessary that it should be done if the lives of millions of people were to be saved.

Mr. BORAH. Mr. President, do we understand that before Mr. Hoover left here, and before he had made any investigation of his own, he had already determined that this must be done?

Mr. SMOOT. Mr. President, I know that Mr. Hoover had made an examination before he left here, by representatives of the Food Administration.

Mr. BORAH. I know; but I ask the Senator now whether I am to understand that before Mr. Hoover arrived in Europe he told the committee that he was determined upon this program of feeding Europe?

Mr. SMOOT. I would not go so far as to say "feeding Europe." I will say that Mr. Hoover stated to the committee that he had men in every country of Europe, and that he had reports from those men showing the necessity of early assistance to the starving people of those countries.

Mr. BORAH. Mr. President, may I ask if he stated when he had sent those men to Europe, and under what authority?

Mr. SMOOT. He did not tell the committee when he sent them, but I do know that he has had them there for some time. There is no doubt at all about it and no secret about it.

Mr. BORAH. Under what authority did Mr. Hoover send men to Europe, prior to the signing of the armistice, to investigate the conditions?

Mr. SMOOT. Mr. President, I should suppose that he acted upon the power that was granted to him by Congress in the food act. I do not think that that act limits his power to controlling the food situation in this country alone; and not only that, but I wish to say to the Senate that the food that has been shipped to the different countries of Europe has been purchased by Mr. Hoover. The allied countries have given him the power to purchase the wheat, to purchase the foodstuffs of all kinds for England, France, Italy, and other countries as well.

Mr. BORAH. I know that, Mr. President.

Mr. SMOOT. And I suppose it is through that power that he has exercised the right of sending men into Europe for investigating the food conditions.

Mr. Hoover stated to the committee that he had no idea how much money would be required, if any at all; but he did suggest that more than likely he would require a revolving fund of twenty-five or thirty million dollars, and I think the chairman of the committee—and if I am wrong I want him to correct me—said to Mr. Hoover, "If it becomes absolutely necessary for you to have the money you no doubt will cable or write to the chairman of this committee."

Mr. MARTIN of Virginia. The Senator is absolutely correct about that.

Mr. SMOOT. At that time there was no understanding as to how much money it would take. He had not met the allied council of supply and relief. No conferences had been held between him and representatives of the other countries. After he arrived there those meetings were held and counsel taken, and it was decided then by this supreme council of supply and relief that it would take a minimum of \$300,000,000 to relieve the sufferings of the peoples that were in dire distress.

Mr. President, as to whether or not \$300,000,000 will be sufficient, I do not know, and I do not believe Mr. Hoover knows; but the supreme council has come to the conclusion that it will take at least that amount, and of that amount the President of the United States and Mr. Hoover agree that America should furnish \$100,000,000, England and France and Italy to furnish the other \$200,000,000, making a revolving fund of \$300,000,000. The bill specifically states that it shall be a revolving fund, and I want to state frankly that the evidence that was submitted to the committee went to show that the greater part of the money advanced would be returned, and that it was only a charity in so far as it advanced money to the people who were starving, and charitable in the sense that it saved them from a pending danger, and that they were to pay the amount advanced back to those advancing the money.

Mr. President, I have no doubt but that some of this money is going to be returned to the Treasury of the United States. In fact, I am positive of it. I believe that every dollar of it that is furnished to the people of the northern part of France and Belgium will be returned. I believe that all of it will be repaid that is advanced to people where there is a semblance of government or a government that has been recognized by the allied powers and the United States. I know, however, that millions of dollars of this appropriation will go to people that are living to-day under no form of government recognized by the allied powers or by our Government, and I doubt whether a cent of such advance will ever be returned to the Treasury of the United States. When this bill passes, if it does pass and become a law, and the money is expended for that purpose, I know that it will be impossible for all of it to be returned. As I stated this morning, if we receive back 50 per cent of it, that is all that I shall expect, and more, too. If I vote for the bill, it will be with the distinct understanding that as to the major portion of this appropriation it is in fact a charity.

Mr. POINDEXTER. Mr. President—

The PRESIDING OFFICER (Mr. SHAFROTH in the chair). Does the Senator from Utah yield to the Senator from Washington?

Mr. SMOOT. Yes; I yield to the Senator.

Mr. POINDEXTER. The Senator spoke of northern France. Does the Senator think that France is now in need of financial relief from the United States to feed its own people?

Mr. SMOOT. I think there are a great many people in northern France that have to be fed; and I was going to say to the Senator that under the arrangement that is made it could hardly be called a case of the United States feeding France, because a part of the \$300,000,000 comes from the revenues of France.

Mr. POINDEXTER. Yes.

Mr. SMOOT. The Senator from Iowa [Mr. CUMMINS] objects seriously to the distribution of this appropriation in the way provided, as far as the United States is concerned, and thought that it ought to be distributed as a direct gift of the specific items of food that we intend to furnish and not in the form of the fund provided for.

Mr. POINDEXTER. The Senator spoke just a moment ago about getting back that portion of this fund that will be expended to feed people in northern France. The showing here is that France is contributing money to feed the rest of Europe. France has suffered more than any of the allies in this war, because she has borne the brunt of the war; but France is great in the organization and reorganization of peace, as she was great in war, and is fully able to take care of her own people, and is taking care of them, and taking care of the people in other parts of Europe. She is not asking for charity from the United States.

Mr. SMOOT. Mr. President, so far as northern France is concerned, I do not consider that it is charity, and have so stated; but as to the great part of France that was overrun by the hordes of the Hun, whose cities were destroyed by the hundred, where there is not one stone left standing upon another and every vestige of life is completely destroyed, when those people go to their homes you can not tell me that they are not in dire distress and that they do not need assistance from every source possible.

Mr. President, the only way this can be done properly is to have it done in the way that this bill provides or that the

program as mapped out provides, and that is that the money given by each one of the allied countries shall be put into one fund, and wherever goods are purchased, no matter from what part of the world they are purchased, they are to be paid for out of this fund, and when part of the money is returned it is to go into the fund, and when the final conclusion of this undertaking is reached whatever is collected from those that have been assisted will be distributed and paid back in exactly the same proportion that it was paid into the fund.

This is the only logical way that it could be done. It can not be done by England buying a cargo of wheat or of flour and distributing it to the needy somewhere and America sending over her meat products or a cargo of wheat and having that distributed somewhere, and then future payments made for those items thus distributed returned to the country furnishing each article. I say that the only way to do it is to do it in the way that is provided for in the pending bill if we are going to do it at all.

This proposition comes unexpectedly to the American people. The war having virtually ceased, or at least an armistice having been signed, and everyone in all the world believing that the war was at an end, the American people believed that with all the charity that they had extended in the past the calls for foreign assistance made upon them were at an end; but, Mr. President, from those who are upon the ground, those who ought to know, there comes this demand for additional assistance—I may say, in the last hour of the great conflict. When we contemplate the wonderful response that the American people have made to every call on them; when we know and realize the hundreds of millions and billions of dollars that the people have given gladly to carry on this great world conflict and bring it to a successful conclusion; when we know that every State in the Union has not only answered the call of the Government upon every occasion but more than done so; and when now perhaps the last call is made, and the call is for the purpose of saving the starving people of Europe, not brought about by any act of theirs, I want to say to the Senators that if there had been appeals made to the American people that a gift be made for this amount, or a direct donation, I have not a doubt but what it would have been granted.

Mr. GRONNA. Mr. President—

Mr. SMOOT. I yield to the Senator.

Mr. GRONNA. Not for the purpose of controverting any statements made by the Senator from Utah, but simply for information, I wish to ask him as to this fund for which he speaks. If I understood him correctly, France is to contribute a third, England a third, and the United States the other third. I wish to understand if it is to be used for the purchase of food to be distributed in France or England?

Mr. SMOOT. I do not think any of it is to be distributed in England. I think some of it is going to be distributed in northern France. As I have already stated, most of it will go to Belgians, Poles, Ukrainians, and Serbians—people who have virtually lost everything they had on earth and have not a thing to live on.

Mr. GRONNA. Of course, that would be outside of France. If the people of France can contribute \$100,000,000 to this fund, what is the necessity for us to contribute? I am not saying now that I am opposed to it, but I ask simply for information. If the people of France are able to contribute \$100,000,000, or one-third of the fund, what is the necessity for the United States to contribute, if it is for their use only? Is there any reason to suppose that the fund is to be distributed exclusively outside of the countries which have been named?

Mr. SMOOT. I want to say, as I said before, the program was mapped out by the supreme council of supply and relief and supported by the allied war council, and that program is to take care of the suffering people wherever they may be.

Mr. GRONNA. Of Europe?

Mr. SMOOT. Of Europe. I mentioned the northern part of France, because I have no doubt but what they will require relief, and as long as relief is the program, why say to France that she shall take care of her own sufferers separately from the program of taking care of the peoples of Europe who are suffering?

Mr. GRONNA. I am finding no fault with that. The Senator is a member of the committee having this bill in charge, and it is reasonable to suppose that he can give the Senate some information as to the desire of the commission as to where the food shall go. I should like to know if it was understood by the committee that this mission has asked for this fund that it might be used for the purpose of purchasing food not only for friendly nations, those who have been our friends in this struggle, but also to be used and distributed in those countries that have been our enemies in the war?

Mr. SMOOT. I will say to the Senator that that could not be done under the provisions of the bill. The bill specifically states that it shall not be used for feeding the people of countries that were the enemies of the United States.

Mr. GRONNA. The Senator evidently did not understand my question. I simply wanted to know what the committee understands. I have read the bill.

Mr. SMOOT. That is what the committee understands.

Mr. GRONNA. That it shall be used just for people of the allied nations or of the friendly nations?

Mr. SMOOT. For people of the friendly nations of the world.

Mr. GRONNA. If the Senator will permit me in his time, I will say to him that we had before the Committee on Agriculture and Forestry during this week a gentleman who stated under oath that he sat in all the conferences with this commission, as you may call it, and he named the men, and that Mr. Hoover, Mr. Hurley, the representative of Great Britain, Lord Reading, the representative of France, M. Clementel, agreed that it should be used not only for the allied nations or the friendly nations but for the enemy nations. That is why I asked the Senator the question I did.

Mr. SMOOT. The Senator knows that under the provisions of the bill it could not be used for that purpose. I wish to say to the Senator that the man who testified that way may have gotten mixed as to whether it was this fund or whether it was Mr. Hurley's proposition of selling to Germany and Austria some \$70,000,000 worth of food products in return for certain shipping and products that they have for disposal.

Mr. GRONNA. Will the Senator permit me to answer that?

Mr. SMOOT. I do not say that that is the case; I simply say it may have been.

Mr. GRONNA. I think in justice to the man whom I have quoted, I should also state that he said it was understood by this commission that the entire fund should be used for the purchase of food sold for cash.

Mr. SMOOT. Of course that could not possibly be true. I will say to the Senator that I know Mr. Hoover did not think so when he left, because if the Senator was here when I made the statement of Mr. Hoover's appearance before the Committee on Appropriations he will remember that Mr. Hoover then did not make any such proposition. That was before he went to Europe.

Mr. GRONNA. This witness stated that that was the understanding not only of Mr. Hoover but of this commission.

Mr. SMOOT. I will say to the Senator that if it was the understanding at any time it was not the understanding the day before Mr. Hoover went to Europe.

Mr. GRONNA. Let me not be misunderstood. This witness has seen Mr. Hoover later than the committee has seen him. This was after the Senator from Utah and the committee had seen Mr. Hoover.

Mr. SMOOT. Of course I can not say from personal knowledge what happened in Europe, other than what appears in the cablegrams; but I say I know that no part of the \$100,000,000 can be used for the relief of the enemy countries of the United States under the provisions of the bill.

Mr. President, I know the time has got to come, and that soon, when Congress must cease appropriating hundreds of millions of dollars. I thought it had arrived before this bill came before the Committee on Appropriations; but, Mr. President, this appropriation of \$100,000,000 is asked for at a time when the representatives of our country are undertaking to reach a peace agreement; they say it is absolutely necessary that this shall be done; and I, as an American citizen, feel that I dare not take the responsibility of saying that it shall not be done.

I know that in the years to come taxes will be burdensome upon the American people. That time will be here not only this year, next year, and the next, but I say that my grandchildren will be paying heavy taxes on the obligations incurred by the Government of the United States for participation in the present world war. Rather would I begin with every appropriation bill that comes to the Senate at this session and eliminate from it every dollar that is not absolutely necessary than to make a mistake in defeating this bill. Mr. President, if mistakes are made in an annual appropriation bill they can be rectified within a few months. Such mistakes can not involve the future peace of our Government, but the pending appropriation may have such an effect. If this appropriation is to be made at all, it ought to be made at once. If the money is to be used at all, it ought to be used now. People can not go month in and month out with nothing to eat. If we are going to save the lives of suffering hundreds of thousands and perhaps millions of people, the quicker we do it the better.

I do not know whether it is worth while, Mr. President, to call attention to other matters that have been referred to during this discussion, because it seemed to me they were foreign to the subject. I have no doubt it would be just at this time to say the criticisms of the packers in some respects are unjust. I have no defense to make for them whenever they do aught that is contrary to the rules of honesty and justice, but I say now in justice to them that if they had not been organized as they were at the outbreak of war our American boys would never have been fed as they have been. In justification also of Mr. Hoover, he made his contracts not only with the producers of pork, in which the packers were compelled to pay 17½ cents per pound live weight, but he compelled the packers to buy the same and then limited the profits which they could make upon any sale to an amount not to exceed 2½ per cent. I claim now there is not another class of business in all the world whose sales charges are as low as 2½ per cent. If we want to save the consumers of this country money and bring down the cost of living, let us go to the places where they are not charging 2½ per cent, but in many cases 100 or 125 per cent on many sales. I say there is not a retail store in the District of Columbia which sells at a profit of less than 20 per cent on sales, and it runs all the way from 20 per cent up.

I know it sounds big to say that Armour & Co. made \$15,000,000 last year, but do you know why they made it? Their sales were over \$861,000,000, and they made less than 2 per cent upon all their sales. They made less than \$1 per head on cattle that passed through their plant.

But of course, Mr. President, the amount of business they did was something marvelous and unheard of in all the history of the world. Notwithstanding the great increase in business their overhead expenses were the same, their advertising was the same, and the percentage on sale expenses were greatly reduced. Their ordinary sales of about \$250,000,000 increased for 1918 to \$861,000,000. Swift & Co. sold over 4,500,000 pounds of beef during 1918. The figures are so startling and so stupendous that we can hardly comprehend them, and we never could have believed them possible unless we had had this world war.

I wish to say now that I can not conceive how it is possible for any man to criticize another for limiting the profits on sales to not more than 2½ per cent. I can not recall, Mr. President, of very many businesses in all the world where organization is so complete that a profit of 2½ per cent on sales will yield an excessive profit on the capital and surplus invested.

Mr. BORAH. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Idaho?

Mr. SMOOT. Certainly.

Mr. BORAH. Does the Senator know what per cent the packers made upon their capital and surplus for the year 1918?

Mr. SMOOT. I want to say in this connection—and I am glad the Senator asked the question—that capital and surplus was not the only money used by Armour & Co. during the year 1918. They had over \$250,000,000 of borrowed money—

Mr. BORAH. I am asking the Senator a question now: What was the per cent which they made upon their capital and surplus for 1917 and 1918? I do not care anything about this 2½ per cent turnover. If men can turn it over in a monopolistic field, that does not mean anything at all. How much did they make at the end of their year upon the capital and surplus?

Mr. SMOOT. I have not yet received the statement and I can not say what the profits are, but I do say that the contract which was made between the packers and Mr. Hoover was that they should not make more than 9 per cent.

Mr. BORAH. That was on one line of their industry. On all the rest of it they were left absolutely free and untrammelled, and made as high as 47 per cent upon some of their other industries.

Mr. SMOOT. Mr. President, not only their meat products and food products but all the other products produced by them sold for \$861,000,000 for the year 1918, and they made less than 2 per cent upon the whole of it, by-products and all.

Mr. CUMMINS. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Iowa?

Mr. SMOOT. Certainly.

Mr. CUMMINS. I am not basing my opposition to this bill upon the profits of the packers, but I do not like to see a false economic principle receive the support of the Senator. I am sure the Senator from Utah will not differ from me with regard to the real principles.

Armour & Co. have \$100,000,000 capital stock. They have that because they increased it fivefold, I think in 1915 or 1916, out of the surplus which had been laid aside in the previous years, which represented, of course, their profits. The true way of determining whether Armour & Co. sold their stock at too high a price is to ascertain the return which the business afforded upon the capital invested in the business. If they made \$15,000,000 in 1918, that represents a return of 15 per cent upon the \$100,000,000 capital. It is true that Armour & Co., and I suppose it is true of other packers, borrowed a large amount of money during the course of that year, but the interest which they paid upon the money which they borrowed is reckoned as a part of the expenses of the business.

Mr. SMOOT. There is no doubt about that.

Mr. CUMMINS. It is all deducted before we arrive at the profits upon the capital actually invested by those who own the business.

Mr. SMOOT. The Senator is perfectly correct.

Mr. CUMMINS. Therefore the question is whether 15 per cent on the capital invested is more than a business should return to capital.

Mr. SMOOT. Mr. President, there is not one of the Senators here who does not know that if it had not been for the wonderful demand created by the war the sales of Armour & Co. would not have been \$861,000,000. In proportion to the amount of their sales less than that their gains would have been less.

I know concerns in this country that have in two years during the war not only cleared every dollar of the cost of putting up their plants, every dollar which was invested in any way for operating the plant, but have made hundreds of per cent in addition. I do not believe that was right. I do not believe, Mr. President, that Mr. Hoover did wrong in controlling the packers. If they had not been controlled, with the demand for foodstuffs all over the world, no one can tell where the prices would have gone. If the sugar producers of this country had not been controlled, I believe that sugar would have advanced in this country to 20 cents a pound, the same as many of the foreign countries have been and are paying to-day. The best thing that was ever done for the American people was the control of the production of sugar in this country and the control of the Cuban sugar. I say now that Mr. Hoover could not have controlled the sugar that is produced in Cuba unless he had the power granted him by our allies to buy the whole of the crop, and that they would not have purchased a pound of it.

Has the producer of sugar in Cuba suffered? No. Last year he was paid \$6.50 per hundred pounds for his sugar, 100 per cent more than he received before the war. They made millions of money, and it was a mighty good thing that the price was controlled, because there was a scramble for sugar all over the world, and no telling where the price would have gone if it had not been controlled.

Mr. President, there has been a good deal said here in this connection with reference to the reconstruction of our industries in this country, now that the war is over. Would to God that it had been undertaken more than a year ago in this country. Mr. President, on the 11th day of April, 1918, over 10 months ago, I delivered an address before the Industrial Club of Chicago, and among other things I referred to this very matter of the reconstruction of our industries after the close of the war. I do not know whether I could better express it now than I did upon that occasion. The part I shall take the time to read is very short. It is as follows:

"Practical wisdom is only to be learned in the school of experience. The hard facts of existence give that touch of truth to character which can never be imparted by reading or tuition, but only from contact with mankind.

"Fine sense and exalted sense are not half as useful as common sense. There are a host of men of wit to one man of sense. That has been the case in all the ages of the world, and no doubt will continue so until the end.

"When war was declared by the United States against the Imperial German Government we found ourselves totally unprepared, and I am fearful that unless some action is soon taken by our Government we will find ourselves unprepared to meet conditions that will arise in the world's commerce when peace is declared.

"Our leading allies and our enemies as well have already established industrial departments to deal with commercial and economical problems which will arise after the close of the war.

"No such action has been taken to enable our industrial institutions to meet the competition following the close of the war, which will be the most severe of any age of the world.

"I read not long ago an account in a foreign paper of arrangements already made by England, France, and Germany to

capture as great a proportion of the commerce of the world as lies in their power.

"I pause here long enough to say that there is a feeling—shall I say of resentment on the part of a few who actually believe that to-day England is thinking more of her future control of commerce than she is of winning the war?

"I know that there is no straw left unturned by England to not only retain her world-wide commerce, but to enlarge it, and we have but to look at the statistics of other countries and we will see her foreign trade has not diminished but increased since the war began.

"We must not forget that when this war closes the industries of all the countries will be highly efficient compared with what they were before the war. There are a thousand problems that will be involved never dreamed of before the war, and we must squarely meet them, or our trade with foreign countries will be lost—what little we had.

"We will find that within a month after the close of the war England and Germany and other countries will have their merchant marines plowing the seas and hastening to carry raw material to their manufacturing plants, at present making munitions of war, but restored to their original purposes.

"Is there any doubt that following this war the question of employing the millions of soldiers released will be one that will demand the greatest wisdom on the part of public and business men, as well as the laboring men themselves?

"In England, for instance, a ministry of reconstruction has been created, and through that agency the minutest details are being perfected for reconstructing their whole economic and social structure.

"Among the subjects the ministry is considering are finance, raw materials, military stores, labor employment, agriculture, education, foreign trade, and public administration.

"Our allies believe that in time of war they should prepare for peace.

"Congress should not adjourn the present session without specific action along these lines. I am not alarmed about internal troubles occurring during the war period, but I am fearful of what is going to happen after the war and before normal conditions are restored.

"I am worried as to what is going to happen when wages must be readjusted in order to meet foreign competition; when we must arrange to maintain our own home markets; when hundreds of thousands of laboring men will be seeking employment; when the American people will fully realize that extraordinary war taxes will continue to be imposed and collected for years after the war is closed."

Mr. President, I do not go further; but I could proceed for hours and tell the people of the United States what a chance we have missed in the last 12 months in not preparing for the reconstruction of our industries with a view to the employment of our laboring men at the close of the war.

Mr. JONES of Washington. Mr. President—

Mr. SMOOT. I yield.

Mr. JONES of Washington. In connection with what the Senator is just saying, it may not be out of place to call attention to the fact that on January 4, 1918, I introduced a resolution in the Senate to provide for a commission to look into the problems of peace. That commission was to have on it representatives of all the leading industries of the country, and it was to do just exactly what the Senator has pointed out the importance of doing. I introduced that resolution, but we could get no action from any of the committees controlled by the majority.

Mr. SMOOT. I remember well the resolution offered by the Senator. Not only that, but I remember well the resolution that was offered by the Senator from Massachusetts [Mr. WEEKS]. But no notice was taken of them. We have been drifting along. Mr. President, with no preparation whatever, and the war coming to an end so suddenly, throwing millions of men back into industrial pursuits, has already brought to the attention of the American people the lack of former action that was so necessary along this line.

Mr. CUMMINS. Mr. President—

Mr. SMOOT. I yield to the Senator.

Mr. CUMMINS. The case is most admirably stated in the extract which the Senator from Utah has read from his speech in Chicago. It is a graphic description of the situation and of our duty. What I should like to know, however, is this: It will require a very large expenditure of the public money—temporarily, at least—to bring about the preparation for peace in our own country. How does the Senator from Utah expect to aid the accomplishment of that purpose by spending a hundred million dollars for reconstruction in Europe?

Mr. SMOOT. Mr. President, there is no proposition here for spending \$100,000,000 for reconstruction in Europe. There is a proposition for spending \$100,000,000 of American money, together with \$200,000,000 of the money of the countries associated with us in this war, for the purpose of preserving life.

I want to say now to the Senator from Iowa that I would not vote to appropriate one single solitary cent of American money if I thought it was going into the development of the commerce of foreign countries. I do not believe a dollar of it will be spent for that purpose. If it is so spent, I will say to the Senator that it will be spent without any authority of law, without the approval of the American people, and it ought to be condemned, and will be condemned by all.

I have voted for many measures in the last two years which in ordinary times I should not have voted for under any circumstance; legislation has been passed here within the last two years which I believe was revolutionary and socialistic in the most rampant form; and I hope and pray that its enactment will not have the effect of encouraging the people in ordinary peace times to demand such legislation for the future.

Mr. FLETCHER. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Florida?

Mr. SMOOT. Yes; I yield.

Mr. FLETCHER. It occurred to me while the Senator from Utah was reading from his very admirable address delivered in Chicago that we ought not to lose sight of the fact that up to about November 11 we were pretty busily engaged preparing for war and turning out war materials. I do not see that we had much leeway to do very much toward preparing for peace up to that time. I think the Senator will admit that the war ended pretty nearly a year before most of us expected it would end. At any rate, there was not very much we could do except to counsel looking ahead, and that sort of thing, beyond what we were doing to turn out munitions and other means of winning the war.

Mr. SMOOT. Oh, how mistaken the Senator is! When England and France were in a death struggle, drawing every man possible from their industries, three years ago they found men at home with sufficient knowledge and wisdom to consider reconstruction of industries after the war most thoroughly. Did England stop and did France stop the formation of a plan for reconstruction in the darkest days of last April, when it looked to all the world as though the very next day Germany would break through their lines and take Paris? I believe, Mr. President, as much as I believe anything, that if it had not been for an overruling power the Germans would have captured Paris. Last April when Germany was pressing the French Army back each day, and the supreme effort finally made a break in the line, I am told that a dense fog, so thick that a man could hardly see his hand before him, settled over the two great contending armies, and it was for that reason that the Germans did not know that the French line was broken for the width of 8 miles and the road to Paris was open to the German Army. However, it was not to be so; God ruled it otherwise.

I say now that the lack of providing for a reconstruction program is one of the things which will result to the disadvantage of our country more than anything that has happened in this war.

Mr. McLEAN. Mr. President—

The PRESIDING OFFICER. Does the Senator from Utah yield to the Senator from Connecticut?

Mr. SMOOT. I yield.

Mr. McLEAN. The Senator from Utah calls attention to the fact that France and England more than three years ago anticipated the necessity for preparing for peace conditions. Is he aware of the fact that President Wilson two years ago anticipated this situation and prepared to meet it? Let me call his attention to President Wilson's declaration with regard to this matter. I find in the published volume of his addresses and papers, on page 315, that President Wilson said:

Besides contributing our ungrudging moral and practical support to the establishment of peace throughout the world, we must actively and intelligently prepare ourselves to do our full service in the trade and industry which are to sustain and develop the life of the nations in the days to come.

I hope the Senator from Utah will mark the succeeding language:

We have already been provident in this great matter and supplied ourselves with the instrumentalities of prompt adjustment. We have created in the Federal Trade Commission a means of inquiry and of accommodation in the field of commerce which ought both to coordinate the enterprises of our traders and manufacturers and to remove the barriers of misunderstanding and of a too technical interpretation of the law.

Again:

In the new Tariff Commission we have added another instrumentality of observation and adjustment which promises to be immediately serv-

iceable. The Trade Commission substitutes counsel and accommodation for the harsher processes of legal restraint, and the Tariff Commission ought to substitute facts for prejudices and theories. Our exporters have for some time had the advantage of working in the new light thrown upon foreign markets and opportunities of trade by the intelligent inquiries and activities of the Bureau of Foreign and Domestic Commerce, which the Democratic Congress so wisely created in 1912. The Tariff Commission completes the machinery by which we shall be enabled to open up our legislative policy to the facts as they develop.

I call this to the Senator's attention in order that he may not be unnecessarily concerned about our future.

Mr. SMOOT. Mr. President, all I have to say as to that is, may Providence have mercy upon the industries of this country if they are compelled to rely upon what the commissions named in that address will do for them.

Mr. McLEAN. I understand that there are only three active members now on the Federal Trade Commission.

Mr. SMOOT. That is all.

Mr. McLEAN. But they have some thousand employees, who, I understand, are receiving a living wage out of the Treasury of the United States.

Mr. SMOOT. Mr. President, I do not desire to take the time of the Senate any further. I simply felt like saying what I have said upon this occasion more in explanation of my position than for any real benefit or assistance it might afford in the passage of the bill.

Mr. KELLOGG obtained the floor.

Mr. MARTIN of Virginia. I suggest the absence of a quorum.

Mr. KELLOGG. I wish the Senator from Virginia would not do that. If Senators do not wish to hear me, I do not desire their attendance.

Mr. MARTIN of Virginia. I think Senators ought to be present, and I suggest the absence of a quorum.

The PRESIDING OFFICER. The absence of a quorum being suggested, the Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Harding	Myers	Smoot
Bankhead	Henderson	New	Spencer
Borah	Hitchcock	Nugent	Swanson
Calder	Johnson, S. Dak.	Page	Thomas
Chamberlain	Jones, Wash.	Phelan	Thompson
Colt	Kellogg	Poindexter	Townsend
Culberson	Kirby	Pollock	Trammell
Cummins	Knox	Pomerene	Underwood
Curtis	La Follette	Ransdell	Wadsworth
Fletcher	Lewis	Saulsbury	Warren
France	McLean	Shafroth	Weeks
Gay	McNary	Sheppard	Williams
Gerry	Martin, Ky.	Sherman	Wolcott
Gore	Martin, Va.	Smith, Ariz.	
Hale	Moses	Smith, Mich.	

Mr. FRANCE. I desire to announce the absence of the Senator from Georgia [Mr. HARDWICK], the Senator from Kentucky [Mr. BECKHAM], and the Senator from Wisconsin [Mr. LENROOT] on official business of the Senate.

Mr. WEEKS. I wish to announce that my colleague [Mr. LODGE] is unavoidably absent from the Senate to-day. I ask that this announcement stand for the day.

Mr. GERRY. I wish to announce that the Senator from North Carolina [Mr. OVERMAN] is detained on official business.

The PRESIDING OFFICER. Fifty-eight Senators have answered to their names. There is a quorum present.

Mr. KELLOGG. Mr. President, in discussing this measure I promise brevity. I should not address myself to the subject at all but for the surpassing importance of the bill and because I believe it involves the honor of this Nation.

The discussion has assumed a wide range. Much of it has been interesting, but I believe has no direct bearing upon the great question at issue. We have heard discussed the shipping program, price fixing, the Food Administration, and general economic questions bearing upon the prosperity of this country. In my opinion this bill should be considered within much narrower limits.

I do not need to confess that, with other Senators, I have great reluctance in bringing my mind to support this bill. I had hoped, as the Senator from Utah [Mr. SMOOT] has said, that the war was practically ended and that we could stop making these appalling appropriations which are being imposed upon the taxpayers of this country, and I shall join the Senators in doing everything I can to relieve that condition; but, Mr. President, I am not prepared to say that, when the cry of distress comes from a stricken world, we should turn a deaf ear to it.

What are the conditions? For four years a war has ravaged Europe, involving more countries and having greater effect upon the civilization of the world than any conflict since the fall of Rome or the French Revolution—appalling in its losses, in its

waste, in its crimes, and in the trail of want, misery, and starvation which has followed it.

Now, what do we find to be the conditions in Europe? Take Serbia, for instance. As the armies of the central empires swept through the peaceful agricultural valleys of that land they devastated homes, drove off the cattle, destroyed the farm machinery, the food, the very seed, and left the country a desert. The Serbian people were driven into a little corner at Monastir, where was evidenced the greatest heroism of any little nation oppressed and beset by all the mighty power of the central empires.

Look at Poland. We have thousands and hundreds of thousands of industrious Polish citizens in this country. They are good citizens. We have thousands of them in my State. For generations and generations, aye, even for centuries, the hope of an independent Poland has inspired that people; but over her land swept back and forth the contending armies of Russia and Germany until it became a waste. I shall not go into the details of the condition of these friendly people who have sacrificed everything they had for the same cause you and I were supporting. We have recognized them; we have stated that we desire them to establish a government; we have recognized the Slavs of central Europe, and to-day they are starving.

I realize that my first duty is to the American soldiers who went upon the blood-stained fields of France to defend this Nation and to fight for our cause; I have not been remiss in my duty to them, and I shall not be. I realize that my first duty is to the toiling masses of my own country, and everything I can do to insure to them cheaper food, better living conditions, and good wages I shall do.

We have for several years been aiding in feeding stricken Belgium. I need not repeat the story of that people; but if it had not been for little Belgium, which stood at the gates and prevented the onslaught of the Hun, as Charles Martel met the invading hosts centuries ago, I do not know what the history of civilization would have been.

I am confident that the feeling in this country is such that if there were opportunity, if there were time to collect \$100,000,000 by private subscription in order to meet the demands of Europe at this time, the American people would gladly give that sum; but, as has been said, relief must come to these people now, if it comes at all, and we are wasting precious moments even while we are debating the question, although I think it should be discussed fully on all sides. I am very glad to hear the opinions of Senators who do not agree with me, for I wish all the light I can procure upon the subject. But, Mr. President, do what we can, let all the civilized nations of the world do what they can, yet thousands upon thousands of people will starve before we can furnish relief. It is impossible to bring to the stricken people of Russia the relief that will prevent starvation.

Now, what is the condition? At the close of this great war the commissions of all of the allied nations have assembled in Paris to meet those of the opposing nations. We also have in Paris the allied committee, which during the last few months of the war was such an important factor in uniting the forces of the four great powers in order to meet the onslaughts of the German Empire. We acted in this fight as one great force, one great nation, each being inspired by the same desire and the same hope to bring about the same object. What have they done? Senators, let me read to you again the resolutions adopted in Paris, and then if any Senator wishes to say that we shall not vote this credit it will rest upon his conscience:

The following resolutions, adopted Sunday, January 12, at meeting of supreme council of supply and relief, were presented yesterday at the meeting of the presiding war council and were formally adopted by the representatives of the allied Governments and the United States:

"1. That it is imperative in the interest of humanity and for the maintenance of orderly government that relief should be given to certain European countries. It is provisionally estimated that for the furnishing of this relief till next harvest a minimum sum of \$300,000,000 may be necessary, apart from the requirements of Germany, which will be separately examined.

"2. The council is of opinion that this sum of \$300,000,000 should be placed at its disposal by the four associated Governments.

"3. That the financial representatives of the four Governments should consider and make recommendations to meet this expenditure.

"4. If these recommendations be accepted by the council, they should then be referred to the respective Governments for their approval."

Mr. President, that comes from the same allied council which marshaled the hosts of England, France, Italy, and the United States to meet the great final onslaught of the desperate Hun.

Mr. President, have we turned a deaf ear to the demands of that allied council before? Did we hesitate in voting millions and billions to carry on this war? Necessarily much of it was wasted. In the haste with which we made preparation, being an unprepared Nation, we, of course, wasted hundreds of millions of dollars. But whenever that allied council called on us for men, for money, for sacrifice, we met their demands, and

because we did there has ended the greatest war that ever cast its shadow over civilization.

Now, Mr. President, who are the men who are to administer this allied fund? Let me read their names. They are not unknown to you or to the American people:

Lord Reading, the ambassador of Great Britain to the United States, and Sir John Beale, chairman wheat executive, London, will represent the English Government. For the French Government the representatives are Vilgrain, undersecretary of state for supply, and Clementel, minister of commerce. Italy at present is represented by Signor Attolico until her regular representatives arrive, and the United States is represented by Mr. Hoover and by Mr. Norman Davis.

I shall not discuss the question whether it would have been better not to have passed the food law or some other laws which have been enacted. I shall not discuss the record and career of Mr. Hoover. I will say that I believe him to be a high-minded, honorable, patriotic, and exceedingly able man. When Belgium had been destroyed before we entered the war and when France and England desired some one to take charge of the great charitable undertaking in feeding their people and keeping them from starvation they selected Mr. Hoover.

I do not think Mr. Hoover believes, in time of peace, in regulating prices or fixing prices or anything of the kind. At the meeting referred to by the Senator from Utah [Mr. Smoot] Mr. Hoover recommended to the Senators present that whatever pressure might be brought to bear or whatever arguments were made the food law should expire with this war and that economically, in a country like ours, prices should not be fixed except under circumstances such as those to which we have been subjected.

Europe selected Mr. Hoover, who has had vast experience, to be the head of this commission. Not only that, Mr. President, but the representatives of this country in Paris, selected to make peace, have recommended this as a necessity; and, again, the President of this country, who is representing us at that conference, has recommended it in the most earnest manner. So we have the united judgment of the allied council, these gentlemen of the highest standing who are to act as the commissioners to handle the funds, our representatives at the peace conference, and the President of the United States.

I have followed the President in some things which were against my judgment; but I wished to place in his hands all the power which a united Nation could place there, that he might win this war, hoping that it would be the last great destructive war for generations and centuries to come.

Mr. President, I know this: The countries which are organized, the countries which have the semblance of an organized government, stand ready to issue their bonds or other securities to pay for food and aid their people. I was talking with the Minister from Serbia. Little Serbia, with all she has suffered, is ready to-day in Washington to give the bonds of the Serbian Government for every dollar of food and assistance which this allied council may furnish her. Of course, we are not going to give food to France. Belgium is ready to give her bonds, and they will be good, for it is a rich country, inhabited by an industrious people, ready to give their bonds for her aid. I have no doubt that any of the nations of Europe which are organized, which have a semblance of government, will give their securities for any assistance which may be rendered them; but, nevertheless, I have no doubt that with all this assistance there are struggling peoples in Europe over whom hang the horrors of famine, and I am not ready to say that I am going to turn a deaf ear to the piteous sobs of those broken nations.

Mr. SMITH of Michigan. Mr. President, will the Senator allow me to ask him a question?

The PRESIDING OFFICER. Does the Senator from Minnesota yield to the Senator from Michigan?

Mr. KELLOGG. Certainly.

Mr. SMITH of Michigan. From the Senator's investigations, does he believe that the allied governments and the United States have entered into any form of contract to carry out this plan?

Mr. KELLOGG. I have no doubt whatever that, as arranged and as indicated by this resolution, the council of the allied governments have agreed on a plan to furnish relief to these countries. Now, I should be glad if the committee could have had before it Mr. Hoover and representatives from these countries, who could have given us detailed information as to just what countries food may be sent or seed need be sent or clothing need be sent, and how much, and what countries will be able to pay for them or give their securities for supplies; and I believe it would have been better if more detailed information had been sent to Congress. But I do realize, Mr. President, that the war has not been at an end but a couple of months. I do realize that Europe was in chaos, and likely

they do not know the complete details, which must be worked out from time to time. But, as the Senator from Michigan has just said, I have no doubt that there is an agreement between the allied nations to carry on as one body this relief to the stricken world.

Mr. President, it has been suggested that if we have a surplus of food we should appropriate that food to give to these countries and not appropriate money as a revolving fund. I should be perfectly willing, if the allied council should say at this moment, "We wish so many bushels of wheat, so many pounds of meat, and so much clothing from the United States," and we had it, to appropriate that; but I think it has occurred to every Senator that it is impossible for them to make such estimates.

Certainly the great proportion of this relief must come from this country. Do not forget, Senators, that last year the foreign commerce of this country reached the unparalleled amount of \$9,000,000,000—more by three billions than any country ever before realized in any one year in all the history of the world—and that the balance of trade in favor of this country was \$3,000,000,000. In other words, Europe paid us three billions more than we paid them.

Why, Mr. President, if labor is to have its just wages, as it ought, if industries are to be maintained, if the farmers of this country are to find a market for their products, that market must be found in Europe, because we are a surplus-producing people. Now, there is no question but that the Government of the United States has purchased most of the wheat surplus and paid for it, and is obligated to pay for any of the balance which is offered. I shall not go into the details of that; but we have a surplus of 319,000,000 bushels this year, and Mr. Hoover has sold to the allied countries 200,000,000 bushels at the price this Government paid for it, plus the carrying charges and expenses, and we undoubtedly will find a market for the balance; for I believe the European countries must buy their surplus wheat from us, because we are in a better position to furnish it and send it to them.

I am not in favor of keeping up the prices of products—not at all. I realize that the war is practically over. I realize that the guaranteed price of wheat was established at a time when no man could foretell the result of this war. It was made after one of the shortest wheat crops in this country and in the world. It was made when the President and the Congress felt as though there must be a greater production of wheat in order to win the war, and it was made, it must not be forgotten, when the price of wheat was \$2.50 and \$3 a bushel and rising every day, and it was made to insure food to the armies and the peoples of the world fighting in a common cause.

I am not in favor of maintaining that price to the American workingman and to the American people. I would prefer that the Government buy the wheat and sell it in the market, so that our own people may have the benefit of the world's price and food at normal prices; but, come what may, the Congress must keep its pledge to the farmers of this country.

Mr. President, I think I have said all that I desire to say on this bill, with one exception. I am not going to vote for it solely because it is a charity, or solely because it will stabilize the governments of Europe, or solely because it will stop the advance of bolshevism, although I do realize that in those countries where nations are seeking to realize their ambitions toward autonomy you can not set up and maintain a government over starving people; but I am going to vote for it because it is one of the factors in the closing of a great world conflict which has spread starvation, misery, disease, and want over all of Europe, and I wish to do my share and to have my country do its share in aiding to bring about an honorable peace, in maintaining good governments in Europe, and in feeding those stricken people.

I deny that by voting for this bill I commit myself to maintaining for all time the autonomy of the governments of Europe which may be established, large and small. I am not in favor of crossing the ocean to pledge the honor and strength of this Nation to maintain all the governments which may be set up in Europe; but I am in favor, at the close of this war, as to the peoples who have been fighting with us for the same object and inspired by the same hopes, of aiding them in their hour of dire peril and extremity.

And so, Mr. President, when the war clouds have rolled away and the passions of nations have cooled and we can see more clearly the future of these countries, it is my hope that the stricken peoples of Europe will form governments modeled after our own, where the right of the people to govern shall be perpetuated, and that autocratic rule shall have ended in the world.

RECESS.

Mr. MARTIN of Virginia. I move that the Senate take a recess until 11 o'clock a. m. to-morrow.

The motion was agreed to; and (at 5 o'clock p. m.) the Senate took a recess until to-morrow, Friday, January 24, 1919, at 11 o'clock a. m.

HOUSE OF REPRESENTATIVES.

THURSDAY, January 23, 1919.

The House met at 12 o'clock noon.

The Chaplain, Rev. Henry N. Couden, D. D., offered the following prayer:

Almighty God, our heavenly Father, profoundly sensible of our utter dependence upon Thee, we approach Thee in the sacred attitude of prayer and devotion, that we may express our gratitude for all that Thou hast done for us, as individuals and as a Nation, in the past; fervently praying that Thou wilt continue to inspire, uphold, and guide us, that we may know more of Thy will and better how to fulfill the same. In the spirit of the Lord Christ. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. Waldorf, its enrolling clerk, announced that the Senate had agreed to the amendments of the House of Representatives to the bill (S. 390) to establish the Grand Canyon National Park in the State of Arizona.

LEAVE OF ABSENCE.

By unanimous consent, leave of absence was granted to Mr. HAWLEY, for to-day, on account of sickness.

INDIAN APPROPRIATIONS.

On motion of Mr. CARTER of Oklahoma the House resolved itself into the Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 14746) making appropriations for current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920, with Mr. CAISE in the chair.

Mr. SNYDER. Mr. Chairman, I yield 10 minutes to the gentleman from New York [Mr. SIEGEL].

Mr. SIEGEL. Mr. Chairman, few people in this country know the manner or the way in which men are tried by court-martial in our Army; and although 16,000 cases have been disposed of during the past year, little or no attention has been given to the procedure and to the fact that justice has not been meted out to them.

The usual procedure is for the commanding officer of a division to direct a court-martial to assemble, with the members of that court-martial selected by him in person, convened when and where he directs the court to assemble, and although the penalty may be death, the accused soldier is permitted to plead guilty with an officer—usually a second lieutenant—assigned to him to defend him.

Few of our citizens know that on the other side four privates who were found sleeping on post were tried before courts of the kind stated by me, a second lieutenant assigned to defend these men, and in two cases a plea of guilty entered by the second lieutenant, and the convening authority requested that these men be executed, although they were only 20 years of age. The records in the cases show that the judge advocate general of the American Expeditionary Forces asked for full execution in order that other men might be deterred from sleeping on post. Luckily for these men and the good name of the Nation the attention of the President was brought to the cases, the sentences were commuted, and the men ordered back to military duty. In one case a young lad who had distinguished himself at Soissons on July 18, 19, and 20, and who received the distinguished-service cross for bravery, was found sleeping on post after having come out from a hospital. The sentence of the court was four years. The convening authority reviewed it, and then and there it ended so far as any further review of the proceedings were concerned in his case. There have been 16,000 such cases tried—

Mr. LAZARO. Will the gentleman yield in this connection?

Mr. SIEGEL. Certainly.

Mr. LAZARO. Has the gentleman any information as to the number of soldiers who were condemned to death by these courts-martial?

Mr. SIEGEL. No; I have not, because it has been impossible to obtain the proper data. We know that there have been 16,000 such cases tried. We know that the chief officer in each division

selects the military court, and that usually a second lieutenant is assigned to defend the accused.

Mr. LAZARO. Has the gentleman a remedy to suggest?

Mr. SIEGEL. Yes. Senator CHAMBERLAIN has introduced a bill, and I have introduced a bill, providing that each case may be reviewed by a higher authority, that the accused may select his own counsel, whether civil or military, and, what is more important, that when the court is finally through and reaches its decision the defendant may then and there know whether he has been found guilty and what the sentence is. The language of the bill is as follows:

A bill to promote the administration of military justice by amending existing laws regulating trial by courts-martial, and for other purposes.

Be it enacted, etc., That article 11 of the Articles of War is hereby amended to read as follows:

"ART. 11. Appointment of judge advocates: For each general or special court-martial the authority appointing the court shall appoint a judge advocate. No person shall be appointed judge advocate for a general court-martial unless at the time of his appointment he is an officer of the Judge Advocate General's Department, except that where an officer of that department is not available the authority appointing the court shall appoint an officer of the Army recommended by the Judge Advocate General as specially qualified, by reason of legal learning and experience, to act as judge advocate. The officer appointed as judge advocate for a general court-martial shall not be a member of the court, but shall sit with it at all times in open session and shall fairly, impartially, and in a judicial manner perform the following duties and such others not inconsistent herewith as may be prescribed by the President in virtue of article 38 of the Articles of War:

"(a) Rule upon all questions of law properly arising in the proceedings;

"(b) Advise the court and the convening authority of any legal deficiency in the constitution and composition of the court or in the charge before it for trial;

"(c) At the conclusion of the case and before the court proceeds to deliberate upon the finding sum up the evidence in the case and discuss the law applicable to it, unless both he and the court consider it unnecessary;

"(d) Take care, equally with the court, that the accused does not suffer any disadvantage in consequence of his position as such, or of his ignorance or incapacity to present his own case, and for that purpose the judge advocate, with the permission of the court, may call and examine such witnesses as may appear to him necessary or desirable to elicit the truth.

"His rulings and advice, given in the performance of his duties and made of record, shall govern the court-martial.

"If the judge advocate dies, or from illness or any cause whatever is unable to attend, the court shall adjourn and another judge advocate shall be appointed by the proper authority, who shall act as judge advocate for the residue of the trial or until the judge advocate returns."

SEC. 2. That article 17 of the Articles of War is hereby amended to read as follows:

"ART. 17. Appointment of prosecutors: For each general or special court-martial the authority appointing the court shall appoint a prosecutor, and for each general court-martial one or more assistant prosecutors when necessary. The prosecutor of a general or special court-martial shall prosecute in the name of the United States and shall, under the direction of the court, prepare the record of its proceedings. Such prosecutor may be an officer of the Judge Advocate General's Department. In all court-martial proceedings the accused shall have the assistance of and be represented by counsel of his own selection. Such counsel may be either a civilian lawyer or an officer of the Army. If military counsel be not selected by the accused, the court shall assign military counsel to assist in his defense if such counsel be reasonably available."

SEC. 3. That articles 22, 30, 33, and 116 of the Articles of War are hereby amended by substituting the word "prosecutor" for the words "judge advocate" wherever they appear in the said articles, and by substituting the words "prosecutor or any assistant prosecutor of a general or special court-martial" for the words "the judge advocate or any assistant judge advocate of a general or special court-martial" wherever they appear in the said articles.

SEC. 4. That if the authority authorized to appoint general courts-martial has an officer of the Judge Advocate General's Department present for duty on his staff, he shall not refer any charge to a general court-martial for trial unless the said officer of the Judge Advocate General's Department shall indorse in writing upon the charge that in his opinion an offense made punishable by the Articles of War is charged with legal sufficiency against the accused, and that it has been made to appear to him that there is prima facie proof that the accused is guilty of the offense charged.

SEC. 5. That article 18 of the Articles of War is hereby amended to read as follows:

"ART. 18. Challenges: Members of a general or special court-martial may be challenged by the accused, but only for cause stated to the court. The court shall determine the relevancy and validity thereof, and shall not receive a challenge to more than one member at a time: *Provided*, That if the accused at any time before the arraignment shall file in the proceedings an affidavit of prejudice alleging specific grounds to show that the court by reason of matters touching its constitution or composition can not do justice, the court shall proceed no further in the case, but shall report the matter to the appointing authority for his decision.

SEC. 6. That when a court-martial shall find the accused not guilty upon all charges and specifications it shall not reconsider, nor shall the appointing authority direct it to reconsider its findings; but the president of the court or the summary court shall immediately inform the accused and the officer by whose authority he may be in custody of his acquittal, and such officer shall thereupon immediately release the accused from custody, unless he is in custody for reasons other than the pendency of the charges of which he has been acquitted.

SEC. 7. That when a court-martial shall find the accused guilty, it shall forthwith inform the accused of its findings and the sentence.

SEC. 8. That section 1199, Revised Statutes of the United States, is hereby amended to read as follows:

"SEC. 1199. The Judge Advocate General shall receive, revise, and cause to be recorded the proceedings of all courts-martial, courts of

inquiry, and military commissions, and perform such other duties as have been performed heretofore by the Judge Advocate General of the Army. The power to revise the proceedings of courts-martial conferred upon the Judge Advocate General by this section shall be exercised only for the correction of errors of law which have injuriously affected substantial rights of an accused and shall include—

"(a) Power to disapprove a finding of guilty and to approve only so much of a finding of guilty of a particular offense as involves a finding of guilty of a lesser included offense when the record requires such finding;

"(b) Power to disapprove the whole or any part of a sentence;

"(c) Power, upon the disapproval of the whole of a sentence, to advise the proper convening or confirming authority of the further proceedings that may and should be had, if any. If upon revision, under this section, all the findings and the sentence be disapproved because of error of law in the proceedings, the convening or confirming authority may lawfully order a new trial by another court-martial.

"Sentences involving death, dismissal, or dishonorable discharge from the service shall not be executed pending revision. If in any case a sentence though valid shall appear upon revision to be unduly severe, the Judge Advocate General shall make a report and recommendation for clemency, with the reasons therefor, to the President or the military authority having power to remit or mitigate the punishment."

SEC. 9. That the Judge Advocate General of the Army shall prepare and submit to Congress, at the earliest practicable date, a revision of the Articles of War consistent with the provisions of this act, and shall also prepare and submit to Congress a draft of regulations providing for the procedure of general courts-martial.

SEC. 10. That all laws or parts of laws inconsistent with this act are hereby repealed.

Over at Leavenworth 12 men were tried and the court reached a decision on the 29th of November. At the present time these 12 men do not know whether they have been sentenced to be hanged or whether they have been sentenced to imprisonment for life. An orderly had gotten into trouble with 12 of these men at this military prison, and the military court tried them, and since July 29 last these 12 men have been kept in close confinement on bread and water, as sworn to by them in their application for a writ of habeas corpus, made to the United States court in Kansas before Judge Pollock a few days ago, and they do not know whether they have been sentenced to hang. Apparently 11 of them have been sentenced to hang and one has been sentenced for life imprisonment. Not a single one of these men knows who of the 12 is to have a life sentence and who are to be hanged.

The objection raised in this case is to my mind a very good one. Their objection is that as they were prisoners at Leavenworth the military court had no authority to try them, that they were entitled to be tried by a civil jury, and that they were entitled to have a chance to be tried separately according to the rights given to them in the various States of the Union. But that is not all.

Mr. GARD. What was the charge against these men?

Mr. SIEGEL. It is charged that these 12 men got into a rumfus with an orderly and that the orderly received blows from them resulting in his death. Over 2,000 pages of testimony were taken, and two former assistant district attorneys who examined the case at my suggestion—because I have not time to go over all these records—state that there is not a scintilla of testimony connecting the majority of these men with the crime.

Mr. GARD. The charge against them is murder?

Mr. SIEGEL. The charge is murder; but what I object to is that under the present procedure the court is convened at the request of the general, who names the men who constitute the court; he is the reviewing authority; and what is more, the men themselves do not know what the sentence of the court is sometimes for weeks and sometimes for months. The effect of such treatment on the men can be readily understood by anyone who will give the matter a moment's thought.

Mr. RAKER. Will the gentleman yield?

Mr. SIEGEL. I yield to the gentleman from California.

Mr. RAKER. Where was this offense alleged to have been committed?

Mr. SIEGEL. At Leavenworth.

Mr. RAKER. Were these men represented by counsel at the court-martial?

Mr. SIEGEL. Some of them were. There is a newspaper article a column and a half long from the Leavenworth Times of January 15 that has been sent to me by some citizen who complains of the gross injustice of the prevalent system. It recites all the facts I have given here and reads as follows:

WILL FILE SUIT TO STOP HANGING OF 12 MEN—PETITION PREPARED FOR HABEAS CORPUS ACTION IN FEDERAL COURT—MILITARY TRIAL ILLEGAL—IMPORTANT ACTION TO BE TAKEN BEFORE JUDGE POLLOCK TODAY RELATIVE TO THE 12 PRISONERS CONVICTED OF MURDERING SHELBY HISLE—CHARGE THAT THEY ARE UNDERGOING CRUEL PUNISHMENT IN SOLITARY CONFINEMENT UNDERGROUND AT THE DISCIPLINARY BARRACKS.

A habeas corpus suit to prevent the probable hanging of 12 prisoners in the disciplinary barracks will be filed before Judge John C. Pollock in the United States district court in Kansas City, Kans., to-day. The petition was prepared and sworn to here yesterday and is ready for filing in court. One Leavenworth and four outside lawyers have been at work on the preparation of the petition for several days, and it is an unusual one.

The petitioners are 12 men—Francis J. Cooney, Donald Fisher, Robert L. Lecoco, Alexander Kahn, Harold J. Keyes, Abraham Garelick, William Schleman, George W. Jerue, William F. Peters, William Cook, George A. Polson, and Millard Bowers—all of whom were convicted by court-martial at Fort Leavenworth in November of murdering general prisoner Shelby Hisle at the disciplinary barracks on the night of July 29.

ALLEGED CRUEL PUNISHMENT.

The petition starts out by saying that Newton D. Baker, Secretary of War, and Col. Sedgwick Rice, commandant of the disciplinary barracks, are holding these 12 petitioners without authority of law in solitary confinement underneath the surface of the earth at the disciplinary barracks, and that in doing this they are violating the eighth amendment to the Constitution of the United States, prohibiting the infliction of cruel and unusual punishment.

The petition then goes on to recite the orders of the War Department for the assembling of the court-martial here by Secretary of War Baker, and it states that on November 4 these 12 men were forcibly dragged before this court, and, in spite of their protests, they were placed on trial before an illegal tribunal that had no right to try them on a murder charge. The jurisdiction of the court-martial is questioned on several grounds. One of the errors alleged is that the court-martial ruled over their protests to try them jointly, when they had a right to have separate trials on a murder charge.

NOT AT WAR HERE.

It is alleged that the court-martial had no right to try them for murder, because the ninety-second article of war prohibited the trial of any person for murder by court-martial within the geographical limits of the United States in time of peace, and that the United States and the district of Kansas were at peace within their borders in July, 1918.

It is further alleged that the 12 men had been discharged as soldiers of the American Army; that they were not in the military service, but were prisoners in confinement and were not subject to trial by court-martial.

It is set out that they should have been tried in the civil courts, which were open and ready to conduct a just trial. Also that they had a right to a trial by a jury, and they ask Judge Pollock to issue an order to have them brought into his court so that they will get a fair and impartial trial.

HISLE KILLED BY A FALL.

It is stated that the trial continued until November 25, when the court-martial, without evidence to justify it, convicted them of killing Shelby Hisle by striking, hitting, stamping, and cutting him with a knife, but that his death was the direct result of a fall which caused his head to come in contact with an iron bar, causing a fracture of the skull, from which Hisle died.

It is alleged that the trial by court-martial of these 12 men was a usurpation of judicial power in violation of the Constitution of the United States. The articles of the Constitution alleged to be violated are set out.

FEAR A QUICK EXECUTION.

It is then stated that the petitioners have reason to believe that they have been sentenced to death or imprisonment for life, and in the event of the approval of said illegal sentences that they are in danger of being executed without having an opportunity to obtain relief from the sentences or to obtain a writ of habeas corpus. In other words, they are in fear of the sentences being carried out before they have a chance to appeal or secure any relief whatever.

An order is asked for directing Newton D. Baker, Secretary of War, and Col. Sedgwick Rice, prison commandant, to take these men out of their present cruel solitary confinement and to have them brought into the Federal court forthwith, where arrangements can be made to give them a fair trial.

IN SOLITARY SINCE JULY.

Seventeen prisoners were tried at one time by court-martial at Fort Leavenworth last November and 12 of them were convicted. Five who were acquitted were restored to ordinary prison duty. These 12 were in solitary confinement from July 29 to the time of the trial, and when it concluded they were returned to the same solitary rooms in the basement of a cell house.

The prisoners and their relatives and friends have been fearful that they would be executed quietly some morning before they would have a chance to do anything for them. The colored soldiers executed in Texas by the military authorities were not given any chance to make an appeal or have anything done in their behalf.

Nothing is known here about the verdict. When the trial ended the judge advocate of the court took the verdict direct to Washington and placed it with Secretary of War Baker. Members of a court-martial take a solemn oath not to reveal anything about a verdict or the way any member of the court voted on conviction.

Mr. SHERWOOD. Under military law these men are entitled to a copy of the proceedings.

Mr. SIEGEL. That is true; they are entitled to a copy of the proceedings. They were tried November 29, yet they do not know to this hour which one of them is to be hung and which one has a life sentence.

Mr. McKEOWN. Does the gentleman know whether or not the department refuses to give any information until the case is reviewed finally?

Mr. SIEGEL. The department does not, and my attention has been called to another fact, that the colored men in Texas were convicted, and then the review of the case took place after the execution.

Mr. DYER. Will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. DYER. Are these men colored men?

Mr. SIEGEL. No; all white men from all over the country.

Mr. DYER. This is a sort of a lynch law they are trying to get into the Army?

Mr. SIEGEL. I would not call it exactly lynch law, but 16,000 men have been tried in that way. I called your attention a few minutes ago to the Mathias case, where a boy got the distinguished bravery cross for bravery at Soissons, and at this time

after he had been sentenced to four years it may be possible that he is in some disciplinary camp; in other words, his mother can not find out where he is. The Marine Corps has tried to get the information and can not. All the men tried on the other side were tried under Army regulations and Army rules, and the Marine Corps does not know where the boy is, and his mother in New York does not know where he is at the present time.

Now, I might go on and call attention to a number of other cases along similar lines. There are thousands of these cases.

Mr. McKEOWN. Is there any uniformity as to the amount of punishment in cases throughout the Army camps?

Mr. SIEGEL. There is no uniformity that I know of. We all know that. Men will be sentenced two years for a minor offense, while others will be sentenced for 10 or 15 years. The general in command of the division has supreme authority. He orders the court assembled and selects the men to try the accused, and if the general is not satisfied with the sentence he can reconvene the court. The most objectionable feature of the whole proposition is that the accused does not know, after the court has acted, if it finds him guilty, what the sentence is, and he may be kept for months without knowing what the final outcome is.

Mr. WELLING. Will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. WELLING. Has not the accused the right, under the law, to a report of the findings of the court-martial?

Mr. SIEGEL. He has practically no rights at all under military law as it stands to-day. All he has is the right to a report of the proceedings, but the proceedings stop at the time the court goes into secret session to determine the guilt or innocence of the accused.

Mr. LITTLE. Will the gentleman yield?

Mr. SIEGEL. Yes.

Mr. LITTLE. In the admirable presentation of the matter by the gentleman, has he discussed the difference between a court-martial on the firing line in time of actual war and at home in a country like this where there is really no war?

Mr. SIEGEL. I have not discussed it, because the same procedure is adopted, whether on the other side or over here. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SIEGEL. Mr. Chairman, under leave to extend my remarks on this most important question the following article from the New York World of Sunday, January 19, 1919, discloses part of the conditions to which I have called attention:

THE THING THAT IS CALLED MILITARY JUSTICE—CONCRETE OFFICIAL EVIDENCE WHICH ESTABLISHES THAT THE UNITED STATES MILITARY COURTS-MARTIAL INDOORSE AND APPROVE OF OPPRESSION AND ARBITRARILY IMPOSE GROSS INJUSTICE—WHENCE COMES THE LAW WHICH MAKES THIS POSSIBLE?—FROM CONGRESS—IT HAS ITS ORIGIN IN MEDIAEVAL TIMES, BUT ITS BLUNDERING HARSHNESS NO LONGER OBTAINS IN FRANCE, ENGLAND, ITALY, OR BELGIUM—DATA FOUND IN THE 1918 RECORDS IN WASHINGTON, TO WHICH ACCESS WAS HAD BY THE AUTHORITY OF THE SECRETARY OF WAR.

(By Rowland Thomas.)

In November, 1917, 12 old and excellent noncommissioned officers of the United States Army were tried by general court-martial at a camp in Texas. The charge was mutiny, a military offense so grave that the punishment prescribed in the Articles of War is "death or such other punishment as a court-martial may direct."

These men had been engaged in a camp amusement prohibited by a standing order. A young officer, finding them thus occupied and being overquick to assert his authority, ordered them in arrest instead of contenting himself with an admonition. While the men were in arrest he ordered them to drill. That order was in conflict with a general Army regulation which directs that noncommissioned officers in arrest shall attend no formations. The 12 noncoms knew that and declined to put themselves in the position of violating a general regulation.

Upon their respectful refusal to drill they were summarily stripped of their insignia of rank and placed in the guardhouse. The charge of mutiny was preferred against them. They were tried, found guilty, and sentenced to dishonorable discharge and imprisonment at hard labor for terms ranging from 10 years up to 25. The commanding officer, who had appointed the court, reviewed and approved its findings and ordered its sentence executed. And from his arbitrary decision the 12 accused had no appeal whatsoever to any judicial power.

These 12 men had been mistried. They were, prima facie, innocent of the crime for which they had been accused and convicted. Mutiny, by the definition given in the official Manual for Courts-Martial, "imports collective insubordination and necessarily includes some combination of two or more persons in resisting lawful military authority." These 12 old soldiers had not resisted lawful military authority. On the contrary, the act for which they found themselves "broken" and in penal servitude had been an act of upholding lawful military authority—one of the general regulations of the United States Army—against the infraction of a lawless or ignorant officer of that Army.

The other day I brought this case to the attention of an able and very distinguished member of the American bar. "Considering all those facts," I asked him, "do you see any shading of phrases by which a sane man, lawyer or layman, could seriously refer to any part of that transaction as representing the administration of any sort of justice?"

"On the contrary," was his answer, "what you have cited, were it true, would be a perfect example of the arbitrary imposition of injustice. But do you mean to tell me that happened in our Army?"

"By authority granted me personally by the Secretary of War," I answered him, "I have inspected the legal record of that case. What

I have told you is its undisputed substance. The record is in the Mills Building, in the files of what we call our Bureau of Military Justice."

THE BUREAU OF MILITARY JUSTICE.

The Mills Building is in Washington, just across Seventeenth Street from the State, War, and Navy Building. In it are the offices of the Judge Advocate General's Department, which is charged with responsibility for legal matters arising in the Military Establishment of the United States, just as the Medical Department is charged with the equally technical matters of cure and hygiene. And one section of the Judge Advocate General's Department is called the Bureau of Military Justice.

In military justice you—if among the 4,000,000 men who now compose our Army you count a son, a brother, husband, kinsman, friend, or friend's friend or kinsman—have a more immediate and vital personal interest than you probably realize. For on the administration of American military justice depend at this very moment and at every moment while he is in the service the good name, the future prospects, the liberty, and possibly the life of the individual soldier you gave to your country.

In those offices in the Mills Building are preserved the records of 15,719 grave crises which recently arose in the lives of an equal number of American soldiers. They are the harvest of the one calendar year of 1918. And every last one of those almost 16,000 potential and mostly actual personal disasters arose through the working out of the theories and practices of American military justice.

Through the authority granted me by the Secretary of War, I last week inspected a representative portion of those records.

Those 15,719 documents were records of 15,719 cases tried by general court-martial in the United States Army, one year's increment in the process of what is trustingly referred to as the administration of military justice. The Judge Advocate General is the technical law officer of our military establishment. Therefore, presumably, the public assumes that this must be matter of law, and so matter of justice.

Matter of law it is in one way. It is something legalized by action of Congress. But though the right and duty of captains and sergeants to give certain authorized commands under certain authorized circumstances have also been legalized by Congress, and they therefore might also be called matters of law in that meaningless sense, no one ever confuses them with matters of justice. They are described and recognized always as matters of military authority and command. And so should be described and recognized the matters which come up to the Judge Advocate General's office in the form of records of courts-martial.

COURTS-MARTIAL SENTENCES AT PRESENT MERELY MILITARY COMMANDS.

In the course of a speech in the United States Senate recently Senator CHAMBERLAIN said:

"The records of the courts-martial in this war show that we have no military law or system of administering military justice which is worthy of the name of law or justice. We have simply a method of giving effect to the more or less arbitrary discretion of the commanding officer."

If that statement, made on the floor of the senior legislative body of the Nation by the chairman of the United States Senate's Committee on Military Affairs is true, it raises an issue of grave importance. If it is supported by facts, it raises this question: Shall courts-martial in the United States Army sit as mere instrumentalities of military command or shall they sit as courts of justice, administering the law of the land?

And the Senator's statement is fully and amply supported by facts, which my investigation of the records showed. It will be shown you here that while the administration of military justice has been at times progressive and at other times reactionary, like most other phases of human government, it is at this time in this country almost wholly reactionary. It will be shown that though the Bureau of Military Justice in the Judge Advocate General's Department is nominally at the head of the administration of military justice, it is only nominally at the head. It is without legal authority. It does no more than "recommend to a military superior," usually the Chief of Staff, who then exercises his military power of supervision and direction over these recommendations. Under the General Staff act, as construed in present practice, the Chief of Staff exercises the same command over the Judge Advocate General's Department as over the Supply Department. Thereby he has the power to differ, and he does differ, with the head of the Bureau of Military Justice upon matters of pure law and substitutes instead his own judgment, even though that substitution should extend, as in that mutiny case in Texas, to the point of ordering that, for the purposes of command, wrong shall be right, truth shall be falsehood, innocence shall be guilt, and obedience shall be insubordination.

THE POWER OF MILITARY COMMAND.

It will be shown you that in the United States Army at present judicial power is only a concomitant and incident of military power. It is military power alone which determines whether an enlisted man shall be subjected to court-martial. By virtue of the power of command, the military commander determines the sufficiency of the charge and of the evidence upon which a man shall be tried, and other similar legal questions. By power of command he details the court-martial and passes on all questions of law arising in the proceedings and all questions of the legality of the proceedings. By power of command he determines the legality of the sentence and orders it executed. All this without independent legal direction or supervision, except that to be found in the "recommendations" of the Judge Advocate General, who is himself subject to superior military authority.

Further still it will be shown you how, from examination of those records which the Secretary of War formally gave me authority to examine, that, even inside the Judge Advocate General's Department there is an irreconcilable difference of opinion about the proper answer to that tremendous question raised by Senator CHAMBERLAIN—whether in our Army we shall have military law and a system of administering military justice worthy of the names of law and justice, or whether we shall have simply a method of giving effect by courts-martial to the more or less arbitrary discretion of commanding officers. It was clearly evident from official "recommendations" attached to various cases, that in the Judge Advocate General's Department there is a school which believes in the theory that courts-martial are mere instrumentalities of military command, that this is the view of the Judge Advocate General himself, Gen. Crowder, but is not the view held by the officer who, throughout the war, has been Acting Judge Advocate General of the United States Army, nor by most of the officers of the department.

At the beginning of the war the Judge Advocate General's Department consisted of less than a score of officers. It now consists of about 400 officers who have come to it as distinguished lawyers from civil life. These lawyers, I discovered from official indorsements and memoranda

attached to records of cases, have found the system not merely antiquated but one admitting on frequent occasions gross injustice and military oppression. Courts-martial try soldiers for all offenses from murder down. They are composed of Army officers ignorant of the rudiments of law; yet, under the present practice of the War Department, their judgments, when approved by their camp commander, are final. And the present Judge Advocate General not only believes that the law makes such judgments final but that the law is wise. In one case, in which his views were strenuously opposed by the officers of his own department, he said that military justice was a kind of justice that had to be administered in the camp by the camp commander without legal supervision. This attitude resulted in the denial of the existence of any power in the War Department to correct error committed during these crude trials, though the error might be as prejudicial and unjust to the accused as that committed during the Texas "mutiny" trial. At the outbreak of the war the assistants in the Judge Advocate General's office, appreciating the need of a remedy for such gross wrong, endeavored to revive the revisory power over courts-martial proceedings believed by them clearly to be found in statutes of the Civil War period. The Judge Advocate General himself, though conceding the frequent gross injustice, denied the existence of such a power.

Notwithstanding that attitude, those who have guided the office of the Judge Advocate General since that time and throughout the war have assumed that remedial power must reside somewhere and in some cases of the grossest injustice have succeeded in inducing the Chief of Staff and the Secretary of War to take remedial action.

The task of persuasion was probably made possible for them by a single timely though tragic incident. Shortly after the Judge Advocate General's Department had strenuously denied to itself the power of review, 13 negro soldiers in Texas were tried, convicted, and were hanged the day after their conviction was reported to the convening authority and approved and confirmed by him. The record of the proceeding in those cases was not forwarded to the Judge Advocate General's Department for the "revision" required by the statute—whatever that term may mean when the power of effective review is self-denied by him—until three months after those 13 negroes had paid the forfeit of their lives. It is important to note here the fact that the camp commander who thus, by the power of military command, made himself accuser, jury, judge, and executioner of those 13 men was the same commander destined later, in the case of the "mutinous" noncoms, to order that inside his jurisdiction right should be wrong.

THE THEORY OF MILITARY JUSTICE.

But, first, a little clearing of the ground is necessary. Just what is military justice? What is a general court-martial?

Military justice, of course, is the process of putting military law into effective action. And military law is the legal system which regulates the government of the Military Establishment. Military law in the United States derives its existence from special constitutional grants of power, and is both written and unwritten. Its written sources are the Articles of War; other statutory enactments of Congress relating to the military service; the Army Regulations; and general and special orders and decisions promulgated by the War Department and by department, post, and other commanders.

Its criminal code of procedure is embodied in the Articles of War, which, as enacted by Congress on August 29, 1916, in their present form, consist of 121 articles which, among other matters, define the limits of military jurisdiction, provide the military tribunals through which that jurisdiction shall be exercised, define the offenses for which persons subject to military law shall be brought to trial before these tribunals, and the punishments they shall suffer if found guilty.

Chief of the criminal tribunals of our American military legal system is the general court-martial, which is given power to try a soldier on practically every charge that can be brought against a human being, and power to sentence him, if found guilty, to extremely severe punishment. Death, or such other punishment as a court-martial may direct, is the penalty prescribed by 13 of the so-called punitive articles, and such punishment as a court-martial may direct under 29 others. "Such punishment as a court-martial may direct," in the case of a soldier and in a "time of war" like the present, may be dishonorable discharge, forfeiture of all pay and allowances due or to become due during an indicated period of time, and imprisonment at hard labor for any period up to life.

WHAT A GENERAL COURT-MARTIAL IS.

A general court-martial is a body of officers, numbering from 5 to 13, the direct appointees of a properly authorized military commander, generally the commanding officer of certain specified military units or areas. It meets, by order of this commander, to try any person whom he orders tried on any charge or charges he may order preferred against that person. The prosecution of the accused is conducted by an officer ordered by the same commanding officer to perform that duty, and called a judge advocate, while the accused is given the right to be represented by counsel of his own selection "if such counsel be reasonably available." Since "civilian counsel will not be provided at the expense of the Government," counsel for the accused is always in practice a line officer, not a lawyer, and generally junior in grade and immature in human experience, who is ordered by the commander who appoints the court to perform the duty of counsel for the defense. He is, if his services be "reasonably available," an officer requested by the accused, and as to his availability the commanding officer has the final decision.

Before a court so constituted, and by a prosecutor and defender so equipped and so appointed, the accused is tried, all questions of law—including pleas, motions, and objections—arising during the proceedings being determined by majority secret vote of the members. After the evidence has been introduced and the statement of the accused and the arguments of prosecuting judge advocate and defending "counsel" have been heard, the court again by majority secret vote, determines its finding on the law and facts. If the finding is "guilty," it then, by majority secret vote, determines the sentence to be imposed, and from this judgment, when duly approved or confirmed, no appeal can be taken, nor can the judgment be set aside or reviewed by the courts of the United States nor of any State.

Such final approval or confirmation—except in capital and a few other specified cases—is the act of the commanding officer who appointed the court, and who, as reviewing authority, has the express power to confirm or disapprove the findings or any part thereof, the express power to confirm or disapprove any part of the sentence, and the power to send the case back to the court for "reconsideration." The final action of the reviewing authority is ordinarily published by promulgation of a "general court-martial order," and after this order has been promulgated the action of the reviewing authority is beyond recall.

SOLDIERS STAND OUTSIDE THE CONSTITUTIONAL GUARANTEES.

All your life you have been safeguarded in certain respects by certain fundamental provisions so complete and so effective that the chances are you never completely realized their existence unless you happen to be a lawyer. You have been so safe you have taken your safety for granted, as you take the daily procession of light and darkness. Under amendments 5 and 6 of the Constitution you, as a citizen of the United States, can not "be held to answer for a capital or otherwise infamous crime unless on a presentment or indictment of a grand jury." You can not "be deprived of life, liberty, or property without due process of law." If you become the subject of any criminal prosecution you "enjoy the right to a speedy and public trial, by an impartial jury—and to have the assistance of counsel"—which last provision has been interpreted, over and over again, to mean the substantial assistance of qualified counsel.

Those are the inviolable safeguards of the life and liberties of every citizen of this country, "except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger." Then everything is changed.

Then any citizen of this country, if he has made himself, or has been made, subject to military law, may be arraigned for a crime which is always potentially infamous and frequently is capital, by order of a single individual. And, having been so arraigned, he will be tried, both on fact and law, not by an impartial jury but by a body of military superiors, and with no substantial assistance of counsel in his defense.

"Consider what has happened in the case of a soldier found guilty and sentenced under a general court-martial order. He has been accused and ordered to trial by a man who is not a lawyer. He has been arraigned and tried before a body of laymen. All legal questions arising during his trial have been settled by a secret vote of those laymen. All evidence for and against him has been admitted or rejected by the same process. The question of fact—the question of his guilt or innocence on the strength of the evidence admitted—has been decided by another secret vote of that body of laymen, without competent judicial guidance. And the laymen, in case their finding was guilty, have determined by secret vote what punishment he shall suffer. The record of their action has been sent to the layman by whom they were appointed, and that layman, at his own discretion, has approved or disapproved their findings and sentence, perhaps a revised finding and sentence, given after 'reconsideration' of his order. And that layman's decision is absolutely final. From it there is no appeal to any person or body."

And now, how do our commanding officers exercise that enormous power? How does the system work out in the day-to-day practice which brings the records of 15,719 general courts-martial cases to the Mills Building as the grist of one year's grinding of the mills of "military justice"?

THE FOUR DEATH CASES FROM FRANCE.

We have already seen how it worked out in the cases of those 12 noncoms in Texas whose commanding officer ordered prima facie innocence to be guilty for the occasion and hanged 13 negroes three months before the legal record of their trial reached the responsible law officer of the Army, who, though he had no power to review the proceedings in the sense of ordering them revised or set aside, was expressly charged with the duty of examining their legality and, by a "recommendation," calling the attention of his military superiors to any points inconsistent with law or justice.

Let us go further. Here are other illuminating cases. All are taken from the official records in the Judge Advocate General's Department:

During last winter in France four men—four boys, of whom the eldest had barely reached 20—were court-martialed and sentenced to be "shot to death with musketry," two for sleeping on post in a front-line trench and two for disobeying an order to drill. Notwithstanding the seriousness of the charges preferred, both carrying the death penalty, the military authorities convened an inexperienced court of minimum membership, the majority lieutenants recently commissioned. A second lieutenant without any knowledge of law was assigned to the "defense." The two soldiers charged with disobedience this "learned counsel" permitted to plead guilty to a capital offense, though at the same time the accused made a statement inconsistent with this plea—to the effect that because of long exposure for many days before to the intense cold of the mountainous section of France it was physically impossible for them to drill. Upon their plea alone these two were sentenced to death.

The two charged with sleeping on post were tried by the same court and "defended" by the same "counsel." They pleaded not guilty and made a formal but ineffective defense. It was shown in evidence, however, and not denied by the Government, that the accused had been in the front-line trench for six nights from 5 o'clock in the evening until 7 in the morning, with an actual stand in sentry post of two hours on and one off. No sleeping could be had in such a brief respite, and night after night of such vigilance must bring exhaustion unless there is a chance for sleep during the short day period. It was testified, and not denied, that it was impossible to sleep in the dugout during the day, because it was used as a place for chopping wood. Furthermore, in one case, the evidence of exhaustion was very convincing, in that the accused had been found asleep once earlier in the evening, about 8 o'clock, and instead of being relieved by the corporal of the guard had been kept on duty, with the result that he was found dozing as he stood against the trench parapet with his rifle to his shoulder at about 4 in the morning.

These matters of extenuation the court made no effort to prove or disprove and should therefore have taken as true. The men were sentenced to be shot to death.

Before the four men could be shot the cases had to come to Washington for action by the President, who in this case was the confirming authority, and the Chief of Staff, and, by formality and courtesy, before the Judge Advocate General for his examination and forceless "recommendation." They did so come, and the Judge Advocate General and the Chief of Staff both recommended that the President should uphold the hands of Gen. Pershing and execute the men—the Judge Advocate General stating that it would be unfortunate if the War Department could not agree upon the penalty in those cases.

With the record of those cases I found filed a memorandum written by a high officer of the department who strongly dissented with the Judge Advocate General in this view. As this dissenter is both an officer of the highest personal repute in the Army and a lawyer whose learning and ability are fully recognized at the bar, it is worth while to note the main points of his position. He said that the same court could not fairly try these four men; that the accused had not had their right of substantial assistance of counsel; that they were young (all under 20, and all volunteers); that their military experience had

been brief; and that not one of them had made the slightest fight for his life. Such a defense as each had made, he declared, was not worthy of the name, and the trial in the cases was a travesty. He pointed out, too, that Gen. Pershing showed extreme insistence that the death sentences be executed for the sake of example to the Army. Upon this point the dissenter wrote:

"There is an insistence upon the part of Gen. Pershing which tends to prejudice these cases. He seems to have forgot that he is not the reviewing authority. The relation between the appointing authority and the President in these cases is judicial. I do not say that Gen. Pershing may not make recommendations as to the maintenance of discipline in his command; I know he may; but his recommendation in these four cases is a special thing, specially interposed in the course of justice, in a special case, and characterized by great insistence. He asks that he be advised by cable of the act of confirmation, and makes a powerful argument that they should die, the gist of which is after all to be found in his view of the necessity of exemplary punishment in these cases. It may be that punishment, made especially drastic for the purpose of example, at times has its place and value, but exemplary punishment is dangerous to justice. The execution of all military offenders would very likely decrease the number of future offenses and offenders, but such Draconian methods would destroy justice, without which all else in human society is of no worth.

"It is only right for me to say to you," concluded the dissenter, "that the military mind will, in my opinion, almost unanimously approve of confirmation in these cases. I do not say that the military feature is to be ignored by the Commander in Chief of the Army. I myself would not ignore it. But when it offends my well-considered sense of law and justice, I could not follow it."

The "military mind" did approve of confirmation, but the Secretary of War finally came to the partial relief of these soldiers. Two were pardoned. The punishment of the other two, those who had refused to drill, was commuted to three years' penal servitude. In his formal communication to the President as Commander in Chief, recommending this exercise of clemency, Secretary Baker raised two points worth noting. Discussing the death penalty as a military punishment, he said:

"It is fair to assume it arose in time and under circumstances quite different from these, when men were impressed into armies to fight for causes in which they had little interest or knowledge, and when their conduct was controlled without their consent by those who assumed to have more or less arbitrary power over them."

And in commenting on the degree of guilt of the two men who refused to drill he points out a circumstance to which no reference appears in any part of the record of their actual trial—that their company commander was an individual whose notorious and violent pro-German sympathies and open objection to fighting against Germany in the Army of the United States, though he bore its commission and lived on its money, later led to his court-martial, dismissal from the service, and sentence to 25 years' penal servitude. Should not, the Secretary asks, this circumstance have been taken into account by the court in weighing the heinousness of the disobedience of these two boys, and could as high a degree of discipline be justly expected of them as of men whose superiors set them a proper example?

TWO CASES OF "DESERTION."

These, of course, are extreme cases, having to do with military offenses committed in the face of the enemy. Let us take some nearer home.

There was a soldier in a camp in Alabama, with a wife and aged parents. He had an excellent record. In December, 1917, he went home on a three days' pass and found his father desperately ill. He remained home until some time in May. The evidence, unimpeached, showed that his people were very poor and in extreme need of his help; that he expected his father's death at any time; that he wore his uniform and made no effort to conceal himself, and at all times intended to return to his command. In May the father died. Two days thereafter the soldier reported to camp to resume his duties. He was tried for desertion, found guilty, and sentenced to 15 years.

This case is one of a class numbering hundreds which all show courts-martial convicting of desertion when the essence of the military crime—the specific intent to desert, the definite intention never to return to duty—is negatived by the evidence. There are many cases where the evidence shows plainly that boys went home only for a last visit before embarking for foreign service, or for the holidays, or to meet some urgent domestic situation. Such are clearly cases of absence without leave—not the desertion which is, in time of war, a capital offense.

"Too many trivial cases are sent to trial," said Mr. CHAMBERLAIN, in the Senate, "too many unduly severe sentences are imposed, and the punishments awarded for similar offenses vary too widely." That the reader may have an opportunity to judge of that for himself, here is another of these cases of "desertion," this one from Camp Upton, N. Y. It will show, if nothing else, how completely the fate of an accused and convicted soldier is in the hands of the officer who ordered his court-martial.

This soldier was tried for desertion last fall, it being specified that he had left his organization without leave on July 19 and had been absent therefrom until September 19, when he was apprehended by the civil police and turned over to the military authorities. At his trial the following matters were put forward in his defense and no attempt was made to disprove them. About three days before his "desertion" he received word that his youngest sister, whose particular friend, supporter, and counselor he had been, was dying in Bellevue Hospital. He asked for a pass to New York, explaining his reason. After waiting three days in vain he left camp without a pass, and reached the city to find that his sister had died three hours before his arrival. It was found that she had let her small insurance policy lapse and the immediate problem of giving her decent burial arose.

The accused and his brothers and sisters possessed among them one Liberty bond, which an undertaker finally agreed to accept in payment for his services. After that harassing experience the accused was immediately faced with another. The woman with whom he had lived for several years and who was the mother of his two children was his common-law wife. She had had trouble in obtaining the allotments made her from his pay, with the result that she was in dire need, and the feeding and clothing of the children had necessarily been neglected. To top all, her mother, always hostile to the couple because of their irregular marital relation, had threatened to report the condition of the children and have them taken by the Gerry Society. And the young couple knew that since they were not legally husband and wife they stood very slight chance of getting their children back if once they were taken away.

Under these circumstances the young man sought and obtained work at his trade of coal handling and worked at it all summer. The evidence showed that he made no effort to disguise his status, wearing his uniform frequently, though never when it would be exposed to the dust and grime of a coal yard, and that when it was left in his dwelling no attempt was made to conceal it. The evidence also showed that he and the woman made constant effort to find a position wherein she might support herself and the children, and that as soon as such a position had been secured he instantly made preparations to return to his duty at the camp. When he was apprehended his uniform had actually been cleaned and pressed by a tailor in order that he might make a soldierly appearance when he reported back.

In Alabama, you remember, such an offender, with very similar mitigating circumstances, was found guilty of desertion and sentenced to imprisonment at hard labor for 15 years. It seems reassuring and heartening, for the moment, to learn that in New York the charge against the soldier was reduced by the court to absence without leave and the penalty to confinement for six months, later reduced by the reviewing authority to one month. But is it so very heartening, after all? It is good to be thus assured that we have just and merciful men among the officers in our Army. But should that blind us to the fact that there is no power compelling them to be just and merciful, and that even mitigating and extenuating circumstances must mitigate and extenuate, if at all, only by their arbitrary decision, just as it proved, in the case of those "mutineers" in Texas, that innocence itself must change to guilt when a commanding officer gave a military order to that effect? Is that justice? Is it law?

COMMANDERS ISSUE ORDER FOR "JUDICIAL" SEVERITY.

Touching on this matter of "desertions," the file of orders which I found in the Judge Advocate General's Department in Washington shows that at some camps in the United States the military commander has ordered that absence without leave for 24 hours shall be submitted to a special court-martial, which has a punishing power of six months' confinement and forfeiture of six months' pay, and that cases of more than five days' absence shall be submitted to a general court-martial, with unlimited power to punish, and that in such cases the camp commanders have instructed the courts to punish such cases with severity.

The files also show that frequently when courts acquit, the convening authority—I. e., the commanding officer—sends the cases back for "reconsideration," with an argument which, coming from the very source of command, virtually compels a conviction, and that there are many cases tried where every legal or other consideration only goes to show that the trial was a result of a gross abuse of military power. With citation of one more human document, this phase of the discussion may be brought to a close. This also is a case from Camp Upton, tried last fall. The charge was absence without leave, the specification, such an absence lasting from July 1 to September 11, when the accused reported back for duty. The plea was not guilty; the finding of the court was guilty. The sentence imposed was dishonorable discharge, forfeiture of all pay and allowances due or to become due, and five years' imprisonment at hard labor. The action of the reviewing authority was a reduction of the imprisonment to three years and suspension of the dishonorable discharge until that term had been served.

The evidence introduced in behalf of the accused, and not only unimpeached but strongly corroborated, was that the young man, who had been a year in the service and proved a cheerful and dutiful soldier, with a strong desire to get overseas, had been in civil life the main support of an ailing mother, a sister, and three younger brothers, the father being a drunkard, who did not live at home but was in the habit of returning there whenever he indulged in one of his periodical sprees, and setting out to wreck the place, the only member of the family able to exercise any control over him at such times being this elder brother, William.

Between the incubus of this condition in the home he had left behind him and the repeated disappointments after a year in camp of being several times ordered to an overseas detachment and then having the embarkation order rescinded, the accused, as he told the court, "got kind of discouraged all round," and on July 1, having failed to secure a pass, went home without one, to find his father on a spree and his mother in bed with weakness and nervous dread. And in that home, standing between that mother and that father, the young man spent the summer.

He wore his uniform, and did not make any attempt to disguise or conceal his status. Nay, more, he took up with an official and semi-military organization, the home branch of the American Red Cross, the question of finding some adequate means of controlling his father and protecting his mother, short of arrest, the social disgrace of which he was not willing to have his family undergo. This part of his statement was corroborated by the following telegram of the Red Cross to the court which was trying him:

"William _____ (address), overstayed last furlough on account of father on periodical spree. William alone able to control father at such times. Concealed fact prolonged furlough from mother, who is anxious and sickly."

What criminal lawyer would ask to face a judge and jury with a more moving plea for a client? And what upright district attorney—sworn officer of the court to see that substantial justice is done between the State and the erring individual—would not be strongly moved to enter a nolle prosequi?

What happened during the administration of "military justice"? Amateur "counsel" for the defense summed up these circumstances colorlessly and briefly, humbly admitted that the man he was "defending" had committed a most grave offense, and politely, almost timidly, asked the court to take the matter of the drunken father into consideration, and, if it could, not to be too hard on the drunken father's son.

Judge advocate for the United States indulged in a burst of oratory. What he said illustrates so well what it is not unfair to term the animus of the military mind that it is repeated here verbatim.

"As I understand counsel, the accused's difficulty in getting a week-end pass led him to be absent for two and a half months. It must have been a great difficulty that he expected to meet when he met his company commander if he had in mind asking for a pass for the entire months of July and August and the first 10 days of September. I can not believe that a man whose one desire is to get overseas to fight for his country is going to be heartbroken at his failure to get over there at the first possible moment. The fact that a man stays absent for two and a half months indicates that he is a deserter. He is charged with absence without leave, but it is the most serious absence without leave that you could possibly have—without any justification, except

that there was a drunken father in the family. I think the man should be punished and punished severely."

Five years for William, the civilian in uniform who "got sort of discouraged all round," and then the machinery of our administration of military "justice" took into its maw the next case of those 15,719.

DISCIPLINE IN OTHER ARMIES.

Case after case of similar mold might be added here if space were available. It should be stated definitely, as a part of this record, that from the historic point of view that the so-called military justice of these United States of ours, besides being blundering and senseless, is archaic—the sole survivor in any decent nation of a system of military discipline which originated in medieval times and was brought to its full flower by that ardent democrat, Gustavus Adolphus. This system has been abandoned by France, by England, by Italy, by little Belgium, and the spirit and discipline which said "They shall not pass" at Verdun, which turned the surviving tenth of the "contemptibles" after that fortnight of slaughter and retreat into the offensive force which smashed the German right for Joffre, which swept the routed Italian armies back to victory, which kept the black and red and yellow of Belgium flying for years never to be forgotten over one small, miserable stretch of marsh and sand dune, were founded on quite a different concept—one which recognized the laws of the land and the rights of men and the fundamentals of justice as being always superior to any mere power of military command, however exalted and however necessities.

It was all this and more that Senator Chamberlain had in mind when on the floor of the Senate of the United States he said:

"The records of the courts-martial in this war show that we have no military law or system of administering military justice which is worthy of the names of law and justice. We have simply a method of giving effect to the more or less arbitrary discretion of the commanding officer."

The American people want to see fair play for their fighting men. They confidently look to Congress to see that these cases are reviewed by an impartial judge and justice done.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield five minutes to the gentleman from Texas [Mr. Dies].

Mr. DIES. Mr. Chairman, I want to call attention to a statement in a newspaper, because statements of a similar character are being made and printed throughout the country.

This newspaper article is headed "Certain rich men in the State watched. Cashing in war stamps, and as result are denounced as deserters":

It is stated by Charles H. Huddleston, assistant postmaster at Austin, that an enormous amount of war-savings stamps are being cashed in by the people of Texas.

This officeholder, after having abused the people for cashing their obligations against the Government, says:

If a man in uniform deserts, he is court-martialed and punished as well as disgraced for life, but these financial deserters, whose duty is to furnish funds just as truly as it is the soldier's duty to fight, can desert and go unpunished save for the lashings of their own conscience and the indignation of an outraged soldiery.

Mr. Chairman, I presume it is the wish of every American citizen to uphold the credit of our Government, and I am sure the best way not to do that is to abuse those who comply with the contract made with the Government by buying its obligations and then cashing them in the manner provided by law. Here is a man who holds a liberty bond, and if he needs the money and his condition is such that he feels justified in doing so he has as much right to sell that bond as any other piece of property he honestly acquired. Any man or woman who has these war-savings stamps and who needs the money has a perfect legal right to cash them at the window as the Government contracted they should be cashed.

Mr. Chairman, the war is over, and the Government of the United States, instead of complaining about the payment of its honest obligations, should quit spending so infernally much money through its Congress and through its Treasury. If a man owes me money and I see him spending lavishly, the first impulse to me is that he should pay me his honest debts before he gives the money away or spends it with a lavish hand. Just the other day you donated here in the House \$100,000,000 to charity. The Postmaster General says that we are about to buy the telegraphs and the telephones. Mr. McAdoo says we should buy \$20,000,000,000 worth of railways and some other man says we should build houses in Washington so that every Government job holder may have a house to live in. A Government which is thus magnificently equipped with power to buy everything and answer every call of charity ought to be able at least to stand up and pay its obligations over the counter to the American people who need their money. [Applause.] I am tired of hearing these little political satraps denounce honest men and women who cash the obligations of the United States Government. I do not know what their particular situation may be. They may need the money and need it badly. If the Government needs the money, let us quit spending with such a lavish hand, let us demobilize the Army and bring our soldier heroes back from Russia and France, and let us demobilize those here at home, many of whom are acting as chauffeurs to little gentlemen who wear spurs and shoulder straps. Mr. Chairman, let us economize and devote the revenues of the Government to the operation of the Government's legitimate functions, and then we will not have to be abusing everybody

who walks up to Uncle Sam and says, "You owe me \$100 and I want my money." [Applause.]

Mr. SNYDER. Mr. Chairman, I yield 20 minutes to the gentleman from Ohio [Mr. Fess].

Mr. FESS. Mr. Chairman, I second the sentiments suggested by my friend from Texas [Mr. Dies]. I fully agree with what he says.

However, that issue is not what I arose to speak upon. I want the attention of the members of the committee this afternoon to a resolution which I introduced to-day looking to the establishment in France of a proposed field of honor. This suggestion has come through a good number of public-spirited men, many of whose names appear on the resolution, some of whom came here to Washington and secured an interview with Secretary of War Baker, and his approval of the purpose they had in mind. Mr. Bailey, of Harrisburg, Mr. Eyre, of Philadelphia, and Mr. Cushman, of New York, were here together and had an interview with the War Department. The result of the interest created by these men was the bill introduced on the 14th of January by the gentleman from Alabama [Mr. Dent], and which bill is now before the Committee on Military Affairs. The resolution I propose is supplemental to the War Department bill. The suggestion came from the Secretary of War that he would be glad to have an association formed for the embellishment of the proposed field. I called up the War Department this morning to get certain figures. I desired to know the number of soldiers who had made the supreme sacrifice in a foreign country. I am told that in action there were 30,000 soldiers killed, speaking in round numbers. Those who died from wounds and other causes number approximately 30,000 more. At least 3,000 others have been reported since the official statements were put out as having died, making something like 63,000 soldiers who will either rest in this country or in a foreign land. These soldiers fought in Belgium, France, Italy, and Russia. They were brigaded, according to the War Department information given to me this morning, from the northern boundary of Belgium to the Swiss boundary, making a stretch of line probably 200 miles in length. They were buried where they fell and their graves are marked with wooden slabs having on them the names of the soldiers. About the neck of the soldier is tied an aluminum tag upon which is his name and the section of the Army in which he fought so that they may be identified. The graves are not now guarded, according to the statement from the department this morning. The policy of the Government is to return these dead if possible. The difficulty in that, as will appear to all of you, is quite apparent. The Government, of course, will do this if it is possible to do it, but because of the scattered condition of these heroic dead and the care which I fear after the glamour of war is over will be dissipated, it appears to be a rational suggestion that we establish in France somewhere not a cemetery but, to get away from that idea, a field of honor, to be beautifully embellished and to be a thing of beauty for all time to come. The idea is not to put it on the battle field but to get from France one of her most beautiful chateaus, of 500 acres or more, in line with what France has already done for Britain.

I have understood that France has given in fee thousands of acres of her soil to Britain to be a resting place for the British sons that will not be taken back to Britain. The idea here is to find in the most beautiful part of France the most beautiful section from the standpoint of topography, a location near a city or a town that would be able to care for the population that might incidentally drift toward this place, as American travelers who would want to go where the heroic dead will abide, and also to make the field the last thing in beauty that an artist can make it, to be developed under the approval of the Association of Fine Arts here in Washington. The idea is to build within the field either one monumental building, to be a hall of records and a chapel, or to erect two buildings, one a hall of records and the other a chapel. This structure, of course, is to be also the last thing in architecture, so as to satisfy the demands of the highest standards of art—nothing inexpensive or commonplace. The field is not to be in the form of a cemetery, with a lot of tombstones, which, as a rule, never respect the sense of artistic taste, but to be laid out with reference to divisions represented in the battles in which the boys died—I mean divisions in the military sense. This would be better than if laid out in accordance with State lines. At the head of the divisions there is not to be a monument nor an inconsequential marker, but a column or an altar that would not be suggestive of any particular religious denomination, but such as could not from any angle offend anyone, and upon that altar to have the name of the division. The graves will be marked by a little headstone, with simply the name or the initial of the soldier upon the headstone.

The hall of records is to be the place where the records of all the boys will be preserved—the place and time of their birth, their enlistment, the division in which they served, where they fought, how they fell—and if there is anything especially out of the ordinary that would mark his life, that event is to be entered, so that anyone desiring to know what this soldier did or to know his history in France can go to this hall and there find a complete record of his service. Such a record will be made of all the boys who rest within the field. Then there will be a chart giving not only the field of honor in full detail, so a traveler at a glance can locate any division, but also charts to indicate the battle fields in which our soldiers were prominent, and it might be well to have mural drawings, not paintings, but charts of battle fields, so that anyone going within the hall could easily read not only the heroism of individuals but get at a glimpse what the battle fields of Europe were. Of course, fellow Members, there would be no effort to prevent any body from being brought back, where the parents or friends wanted the body brought. I do not think Congress would agree to anything of that sort; but I know, if the parent could realize that his loved one was sleeping in the most beautiful place in France, cared for by the Government, which would never allow it to be neglected, a place which will be perpetual, such parent would prefer that his loved one rest there, especially to having the body somewhere yonder in a great battle ground, unidentified and probably entirely lost sight of in time.

Mr. SHERWOOD. Will the gentleman yield?

Mr. FESS. I will.

Mr. SHERWOOD. The gentleman's proposition appeals to me. Has the gentleman introduced a bill on this subject?

Mr. FESS. I have. There was a bill introduced on the 14th of January by Mr. Dent, and I have introduced a resolution to authorize the incorporation of a society to carry out the plan of embellishing this field from the artistic standpoint.

Mr. HUSTED. Will the gentleman yield?

Mr. FESS. I will.

Mr. HUSTED. Is it the purpose to keep a record on this field of honor of those soldiers only whose bodies are left in France?

Mr. FESS. No. It will not be limited to those.

Mr. HUSTED. Or of all the soldiers who have died in France?

Mr. FESS. I am very glad my friend introduces that question, because the idea is that all the soldiers who lost their lives on land or sea, whether the bodies may have been buried at sea or on land, all will be represented in this hall of records.

Mr. HUSTED. It seems to me that is quite right, but I inferred from something the gentleman said that only the soldiers whose bodies were left in France would have this permanent record.

Mr. FESS. No; perhaps my friends could infer that from what I said, but I did not mean that.

Mr. JONES. Will the gentleman yield?

Mr. FESS. I will.

Mr. JONES. I would like to know if the gentleman does not think it would be preferable to have a field of honor established in this country, and does not the gentleman think it would be just about as easy to bring them back here as to convey them to the point where the field is created?

Mr. FESS. I am not committing a breach of confidence when I say it is going to be a very difficult thing to bring the bodies back here. However, I do not want to inject that, because the War Department is going to do that to the very limit of its ability.

Mr. LAZARO. Will the gentleman yield?

Mr. FESS. I beg pardon, I am afraid I will not have time, I yield to the gentleman.

Mr. LAZARO. Has the gentleman given any thought to those who lost their lives in this country, so that there will not be any line of demarcation between those who lost their lives over there and those who lost their lives here?

Mr. FESS. No; I had not given any thought to that.

Mr. LAZARO. The gentleman understands there are thousands and thousands of boys who went into the service anxious to get over there, but who could not get over there, and who lost their lives in this country. Without taking anything away from those who lost their lives abroad, does not the gentleman think something should be done for those who lost their lives here if we are going into anything of the kind?

Mr. FESS. I admit the force of what my friend says in that connection. My purpose is to get the Congress to meet the situation—

Mr. LAZARO. Yes; I understand.

Mr. FESS. Of those who died in France; but, if gentlemen will permit me to proceed, I want to say this: The purpose

of this association was not to put an expenditure upon the Government; that they would proceed to create a fund, perhaps of \$15,000,000, to be administered under the authority of the Government, and thus make a permanent endowment, so that there would never be any doubt about the field becoming neglected. This could be raised in various ways, either by membership or by sale of a field-of-honor button, which would not entail any hardship upon anyone; and in order to avoid its being placed as any particular burden on the Government, in the way of an appropriation, the association would like to have that privilege to participate. Then, there is another thing I want to inject at this point.

Mr. ROGERS. Will the gentleman yield?

Mr. FESS. I will.

Mr. ROGERS. Is the gentleman committed to the exact name, "field of honor"? That, to me, has rather an unfortunate connotation of duelling days, and I wondered if the "field of glory" would not be preferable for that reason?

Mr. FESS. I had not thought of the connotation that is suggested. I hardly believe that we are near enough to the duelling days for us to retain that significance. I do not think that I would feel free to accept the word "glory" in preference to "honor," although what the gentleman says may have some significance. I meant to say that in addition to the association making an effort to gather funds, so as to make it perpetual, the Government would insist, of course, on being the final judge as to where the field should be located, which is to be by the permission and consent of the French Government; and, secondly, that the Government, of course, would be required to remove the bodies and place them within the field under the authority of the Government; and, thirdly, the Government would keep a guard of one or more companies of soldiers there permanently—not the same soldiers to remain there, but there is to be such a guard permanently maintained which is to be a symbol of the Government's perpetual presence upon the field.

The grounds should be so consecrated as to be open to Jew and Gentile, Protestant and Catholic, in keeping with the beautiful service which saw all fighting and dying side by side with no thought of religious differences; so may they sleep.

I hope the membership of the House will look into this proposal with a sympathetic viewpoint, because I am sure that the Government, while it will do what it can to bring home the remains of all our soldier dead, is going to have considerable difficulty in bringing the bodies back. And I am afraid that we will get into the position of leaving these bodies wherever they might now be resting, scattered all over that front, from Belgium to the Swiss border. And in time, no matter how beautiful is the devotion to-day of the French people to our soldier dead over there, you know it will be neglected; and I should like to have this thing done now, so that there will be no doubt that this field of honor will be a perpetual thing of beauty and a source of constant unity between our country and the allied countries for whose liberties they suffered and died.

Mr. LITTLE. Will the gentleman yield?

Mr. FESS. I yield to my friend from Kansas.

Mr. LITTLE. I am very much pleased to hear the gentleman's admirable suggestion. The intention is to assemble those that remain in Europe?

Mr. FESS. Yes.

Mr. LITTLE. Has the gentleman reasoned it out quite thoroughly in his mind that it would be better for a corporation to get together the funds than to have the Government do it? Has that been pretty carefully considered?

Mr. FESS. The idea has been that this association, incorporated by the authority of this body, could proceed to gather the funds that must be expended under the direction of the Government.

Mr. LITTLE. It is quite possible that is correct; but I wondered if you had carefully considered as yet whether that would be better than to have the Government expend it?

Mr. FESS. I think it would be better, and I am going to frankly state here that I am afraid if the Government does it alone we will have but little more than a military cemetery, which will destroy much of the spirit of the purpose of this association. [Applause.]

No father or mother who knows his or her precious boy sleeps in a place of beauty under the care of this Government, which will never neglect the cause for which he died nor the grave in which he lies, will regret the inability of the Government to bring back the body. For this field of honor will be a perpetual reminder to all the world of the debt it owes to the service of the son who made the supreme sacrifice.

We all recall the beautiful tenderness of Col. Roosevelt's reply to the Government as to his wishes as to the disposition of the body of Quentin, when he expressed the wish of Mrs. Roosevelt

and himself that the dead hero be allowed to rest in the field where he gave his life.

The resolution to carry out the purpose is as follows:

A bill to incorporate the American Field of Honor Association.

Be it enacted, etc., That William E. Bailey, of Pennsylvania; Wilson Eyre, of Pennsylvania; James S. Cushman, of New York; Hon. William Howard Taft, of Washington, D. C.; Dr. John H. Finley, of New York; Bishop Luther B. Wilson, of New York; Alfred E. Marling, of New York; Arthur Curtiss James, of New York; Henry Morgenthau, of New York; James H. Schiff, of New York; Hon. Morgan J. O'Brien, of New York; William Fellowes Morgan, of New York; Dr. William T. Manning, of New York; Cleveland H. Dodge, of New York; Commander Evangeline Booth, of New York; George Wharton Pepper, of Pennsylvania; William Potter, of Pennsylvania; Charles L. Borie, of Pennsylvania; Judge J. Willis Martin, of Pennsylvania; Owen Wister, of Pennsylvania; A. J. D. Dixon, of Pennsylvania; Col. Frederick M. Alger, of Michigan; Dr. George S. Stewart, of New York; Maj. Robert Davis, of New York; Mrs. Robert E. Spear, of New Jersey; Mrs. John Meigs, of Pennsylvania; Violet Oakley, of Pennsylvania; Agnes Repplier, of Pennsylvania; Mrs. Finley J. Shepard, of New York; and their associates and successors duly chosen, be, and they are hereby, incorporated, constituted, and declared to be a body corporate of the District of Columbia by the name of The American Field of Honor Association.

Sec. 2. That the purposes of this association are and shall be: To cooperate with the Government in the selection and beautifying of a suitable and impressive estate in France for the creation of the American Field of Honor and its preservation as the final resting place of those who have made the supreme sacrifice in the cause of freedom and humanity, and to erect thereon such a building as shall serve, in the greatness of its intention and design, as a unified and single monument to the whole Nation and as a perpetual bond of union between America and the nations with whom we have been associated in the world's war.

Sec. 3. That the American Field of Honor Association shall consist of the people of every State in the Union who desire to express through their membership in it their appreciation of the sacrifice made by the Nation's immortal dead and their desire to unite in making that field of honor the country's great and living monument to America.

Sec. 4. That the American Field of Honor Association shall hold an annual meeting at such place in the United States as may be designated and shall make an annual report to Congress, to be filed with the Librarian of Congress, and shall submit before their adoption to the Commission of Fine Arts for any suggestions or for its approval all plans for the necessary monument of the proposed field of honor.

Sec. 5. That the American Field of Honor Association be, and the same is hereby, authorized and empowered to receive by devise, bequest, donation, or otherwise, either real or personal property, and to use the same or to hold the same absolutely or in trust and to invest, reinvest, manage, and apply the same property and the income arising therefrom in furtherance of the objects and the spirit of its creation.

Sec. 6. That the right to alter, amend, or repeal this act is hereby expressly reserved.

Mr. SNYDER. Mr. Chairman, I yield 10 minutes to the gentleman from Minnesota [Mr. ELLSWORTH].

Mr. CARTER of Oklahoma. I would like to make an inquiry of the gentleman from Minnesota.

The CHAIRMAN. Does the gentleman from Minnesota [Mr. ELLSWORTH] yield to the gentleman from Oklahoma?

Mr. ELLSWORTH. I do.

Mr. CARTER of Oklahoma. Does the gentleman from Minnesota need some more time?

Mr. ELLSWORTH. I would like 10 minutes more.

Mr. CARTER of Oklahoma. I will yield to the gentleman five minutes; and if I find I can spare another five minutes, I will be very glad to yield him that additional time.

The CHAIRMAN. The gentleman from Minnesota is recognized for 15 minutes, 10 minutes yielded by the gentleman from New York [Mr. SNYDER] and 5 by the gentleman from Oklahoma [Mr. CARTER].

Mr. ELLSWORTH. Mr. Chairman and gentlemen of the committee, I almost hesitate to talk of Indian affairs under general debate as it is now progressing, for it seems almost as though extraneous matters were being brought into it. And I sometimes think that it is strange in this day and age, with the conditions in the world pertaining to and insuring democracy on this side and on the other side of the seas, that with more than a quarter of a million of our own people, the original possessors of this country, that in the general debate on Indian affairs in the House there seems to be but very few even of the members of the committee themselves who have anything to say to the Members of Congress upon that subject.

Now, I do not feel that I can enlighten any Members of the House upon Indian affairs. I do not feel that I can straighten out any of the jargon which has grown up through a bureaucratic control of the affairs of the red men of this country, but I do want at this time to say something along the general trend of Indian affairs and their condition.

A hundred years ago five of the tribes, known as the Five Civilized Tribes, had a government as we have a Government. They had their governors, their attorneys general, or those corresponding to attorneys general, secretaries of state, and legislative bodies. They made their laws; they had their judicial, executive, and legislative branches. They were civilized and have always been civilized, and what I say about Indians, by reason of the peculiar civilization existing then, an advanced civilization, and which has been maintained since, will not apply generally to these particular wealthy tribes in Oklahoma.

Mr. CARTER of Oklahoma. Will the gentleman yield?

Mr. ELLSWORTH. I will.

Mr. CARTER of Oklahoma. I just wanted to call the attention of the House to the further fact that during this period of tribal government it was developed among the Five Civilized Tribes by themselves mostly, with their own teachers and with the system of public schools by which not only tuition was furnished to the pupils of the Five Civilized Tribes, but also board and, in many instances, clothes. So that those people have really had a greater chance to become civilized in the last 100 years than has the white man himself. [Applause.]

Mr. ELLSWORTH. I thank the gentleman for the suggestion, and I feel grateful for a double reason, that secondarily—

Mr. SLOAN. I would like to ask the gentleman who is speaking, or the gentleman who has taken his seat, whether that education was an education developed by the Five Civilized Tribes in their special civilization, or was it copied after the system of the ruling people of this country?

Mr. CARTER of Oklahoma. It was copied after the system of the white man, and the textbooks were in the English language, and the teaching was in the English language.

Mr. ELLSWORTH. And from information obtained by an inquisitorial commission in that part of the country a few years ago it may be well to say that there are some things in which the white man might imitate the example of the Indians in that particular community.

I want to turn to another matter. Those civilized tribes were taken by this Government and given what is known as the Indian Territory country to furnish a great buffer against the uncivilization of the Southwest. To-day we have a different system of what I might call bufferism, a new buffer; a buffer and a barrier between Government and an impending and threatening civilized condition of the aborigines; a buffer built upon the supposed incompetency of the Indians, upon the supposed assurance of educational facilities to be provided, and in which not the Indian's poverty but the Indian's wealth stands between him and advancement and progress.

In 1854 the Red Lake Band of Indians in the northern part of Minnesota and through North Dakota journeyed once a year to Fond du Lac, at the head of Lake Superior, where they were met by Indian agents, who doled out their annuities, consisting of \$1 each. Each year they met, sometimes two or three weeks or a month before the time of the payment of their annuities, and when the time came for payment of their annuities by the agent they were in many cases in distress and in a condition of famine. That condition continued for 20 years, and during the time that those members of the Red Lake Band of Chippewa Indians in Minnesota expected and looked forward to a pittance to be doled out not one single member of the tribe ever became a self-supporting citizen or a self-supporting Indian.

In 1874 that system ceased, and in that year, when there was no expectancy whatever of any further pittances being paid by the Government to this Red Lake Band of the Chippewa Tribe—from that time until 1889, when the Government stepped in and made another treaty, and the Indians ceded nine or ten million acres of land under a treaty providing that the proceeds from the sale of certain lands reserved would be placed in trust for them and the lands sold for their benefit—for the 15 years between 1874 and 1889, without any expectation at all of help from the Government, the Indians of that band became self-respecting citizens, were absorbed in the general population, and were among the men most sought after as employees on the farms and in the towns and villages and in the several communities in which they lived.

In 1889, after that treaty was made—and I regret I have not time to go into it now—

Mr. GILLET. Did they give up their tribal life? The gentleman said they mixed with others.

Mr. ELLSWORTH. They gave up their tribal life, but they did not give up their tribal relations in most instances. In many instances they mixed, a large portion of them, with the white population in the towns and villages and on the farms, and carried on occupations such as other men did in the same communities.

Now the bureaucratic control has been restored. There has been a large fund—speaking of the same band and the same tribe of Indians. I want just to give you a bird's-eye view of some of the top-heavy administrative expenses and administrative effort and energy that are being expended by the Government in proportion to the amount of benefit, the ultimate benefit, to the Indian himself. I want to read you what seems to be an important State document. I read:

Check No. 488. Authority sec. 3/20-18. Account 3110.

Red Lake Indian Agency, Red Lake, Minn., Mar. 28, 1918.
The First National Bank (79-1). Pay to the order of Joseph Green,

\$ _____ dollars.

Not negotiable until countersigned by United States disbursing agent.

Name _____, occupation _____, post-office address _____.

JOSEPH GREEN.

Name _____, occupation _____.

Signature or thumb mark of Indian depositor.

Father.

For to bal. a/c.

INDIVIDUAL INDIAN MONEY.

Approved for \$ _____.

WALTER F. DICAM,
United States Disbursing Officer.

On the reverse side of this document I read the following:

If payee is unable to write, his indorsement must be a clear, distinct impression of his right thumb (or of left in case of loss of right) after his name. Indorsement to be witnessed by two reputable persons who can write; their names to be followed by addresses and occupations. Whenever possible one of the witnesses must be an employee of the Government or a member of the Indian's tribe.

Now, first, Joseph Green had to ascertain whether any member of the tribe could read or write. He might hire a horse and carriage and go out and find a man who could read, and if he did find such a man and he had a right thumb, he had to make the impression of his right thumb, or if he had no right thumb he would have to make his impression of his left thumb. [Laughter.] When he finally came to the Indian agent with the document properly marked he received the amount.

When I saw this check I said to the member of the tribe who showed it to me, "I do not want to talk about that, because it would be preposterous." He said, "Why?" I said, "It does not represent anything in particular." He said, "It represents exactly what is being done with the Indians." I have seen many checks during the year in which the amount did not exceed this—dozens and dozens of them. The amount of this check in which Joseph Green became the beneficiary of the United States through this great bureau was 11 cents. [Laughter.]

Mr. KNUTSON. What would happen to Joseph Green if he had lost both right and left thumbs?

Mr. ELLSWORTH. If he was not suffering from ptomaine poisoning, he might possibly make his toe mark. [Laughter.]

Now, I want to proceed rapidly, in order to get through, although the gentleman from Oklahoma [Mr. CARTER] is going to give me another five minutes. A year ago, when this bill was under discussion in this House, some of our leading members on the Committee on Indian Affairs, including the gentleman from Kansas [Mr. CAMPBELL], and the gentleman from North Dakota [Mr. NORTON], and the gentleman from Oklahoma [Mr. CARTER], said something about a man who knows more about Indian affairs than anybody else ever connected with Indian affairs still living, and possibly including all those who have gone to the beyond. Mr. NORTON says, speaking of James McLaughlin, a special inspector of the Government in the Interior Department but directly under the Indian Bureau, drawing a salary of \$2,500 a year:

The most valuable man in the Indian Service in inspection work to-day is, in my judgment, unquestionably Maj. James McLaughlin, a man who has been in the Indian Service for nearly 40 years; a man who has made more treaties for the Government with Indians than any other living man; a man who has done more for the Indians of the United States and who is better acquainted with Indian affairs than any other man living in this country to-day.

To-day he is the most beloved and the most respected man among the Indians in North and South Dakota. His record in the service of the Government is one of which any man could feel justly proud. It is one of the emulations of which by others in the Indian Service will bring about much-needed improvement in the administration of Indian affairs. [Applause.]

Mr. CARTER of Oklahoma then said:

I heartily concur in every word that has been said by the gentleman from North Dakota [Mr. NORTON].

A Member just asked me how long Maj. McLaughlin had been on the pay roll. He was on the pay roll perhaps before some Members here now were born, and during all the time I doubt not he was drawing less salary than he might have been able to draw had he been employed in a different capacity. He is one of the men in the Government service with a capacity of from \$6,000 to \$10,000 a year who has continued working, year after year, for \$2,500, and prior to a few years ago for even less than that. There has never been a man in the Indian Service, so far as I am advised, who has rendered more beneficial service, both for the Federal Government and for the Indians, than has Maj. McLaughlin.

Maj. McLaughlin has ever been the friend of the Indians, he has ever had the confidence of the Indians. It is worth while for any Member of this House to spend a few evenings reading that very valuable book written by Maj. McLaughlin entitled, "My Friend the Indian."

All praise to Maj. McLaughlin, all honor to this noble, courageous, intelligent, diligent Government inspector, against whose long and valuable public service the tongue of slander has never wagged and who never faltered in the performance of a duty. [Applause.]

Then Mr. CAMPBELL of Kansas says:

Mr. Chairman, I count among my best friends in the public service Maj. McLaughlin, the friend of the Indian. [Applause.]

Then he said:

I got my liking for the Indian and my interest in his behalf through association with Maj. McLaughlin. I have read his book, "My Friend the Indian." It is one of the most illuminating works upon the American Indian that has ever been published. It was written by a man who loves the Indians, who has lived with them, and who has worked with and for them. For more than 40 years Maj. McLaughlin's life has been interlocked with the life of the American Indian. Years ago, when uprisings were imminent in any Indian tribe, Maj. McLaughlin, with that courage that his name would indicate, would go to the tribe, would sit with them in their councils, talk with them in their own language, and he has secured many treaties from unfriendly Indians who were about to go upon the warpath which have resulted in the maintenance of peace. He has rendered great service to the Indian and to the United States in the years of his connection with the Indians and with the Interior Department. Maj. McLaughlin is about 76 years young. I do not know where he is now. Perhaps he is out in the Dakotas or in Wyoming. He is somewhere rendering service to the United States and to the Indians. He works like a steam engine. I have known few men who have his capacity for work. At his age he seems never to tire, and he has the faculty of going right to the gist of a question. A few years ago, when a most intricate and important matter was under consideration, Maj. McLaughlin was selected by the Secretary of the Interior and commissioned especially to make an investigation of the entire subject, and the report made by him in that matter is the last word upon the subject. He has always rendered that kind of service to the Government and to the Indians, and I would like to join with my colleagues on both sides of this Chamber in doing something besides merely giving him words of praise. This House can well afford to spend a few moments in giving recognition to the splendid services that Maj. McLaughlin has rendered. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. SNYDER. I yield to the gentleman five minutes more.

Mr. ELLSWORTH. I thank the gentleman. I would like to stop to add my tribute to Maj. McLaughlin, but I shall proceed now to say something of his opinions as recorded in his book written and published in the last few years. I am sure since I have been here there has been nothing in the Record of what this man—perhaps the most prominent of all in or out of the service, dead or alive—thinks about the Indian problem to-day. I read from the twenty-first chapter of his book, "My Friend the Indian," dedicated in his own words "To my friend the Indian, whose good traits survive as a monument over the graves of a vanishing race." The last chapter is entitled "Give the Red Man His Portion." I have made extracts from it and shall proceed, without comment, to read them, trusting that you will fill in the interlocking spaces between with a subject supply of what the comment relates to. This book was written in 1910, so that it is not an ancient work.

Speaking of tribal funds—

The fund as it stands might be described as an endowment for the creation of paupers and the perpetuation of the present state of dependence among the people to whose credit it stands. And, resting as he does under the weight of this burden of wealth, getting enough of it from time to time to keep the life in his body and prevent him from exerting himself to any great extent on his own behalf, the American Indian is fated to die in a state of unthrift and indigence, a sort of half-breed ward in chancery. It appears to me that it is the duty of the Government to make some provision presently for the emancipation of these unhappy victims, to deliver them from the evils that guarantee a future of ungentle paupery, by giving to the Indian his portion and turning him adrift to work out his own salvation.

The Indian and his condition is not so important a matter to the majority of the people of the United States as the smashing of the trusts and the reformation of the "system," but no question that affects the moral and physical salvation of over a quarter of a million human beings living in this country can be lacking in importance to the rest of the people, and this problem, in which is involved the future of the Indian and the disposition of the wealth that a paternal Government has sequestered for his benefit, is of imminent and practical interest to the people of the West in particular and to all the people of the country in general. Moreover, the Indian problem is involved in a condition created by and for the benefit of the American people. Lending as he does on a governmental prop that is unstable, the Indian to-day calmly asks, "What are you going to do about it?" And the question must be answered not by the bookman, nor by the missionary societies, but by the practical men who are to-day engaged in giving to the administration of governmental affairs the best thought and the most practical intelligence ever placed at the disposal of the people of the Republic. He might be cowed by a show of military pomp, then fighting him in force and subduing him to the point of making him glad to accept a treaty. The treaty being made, white men broke it. The white men broke all the treaties. Gen. Sherman, who did not love the Indian overmuch, declared that all the Indian wars were chargeable to the white men and their bad faith. Other men—not the faddists who exploit the Indian for advertising purposes—agreed with Sherman, and I know nothing to support a contention that the Indian was treacherous and capable of breaking faith when he had made a fair engagement.

And then he says, speaking of the Indians of South Dakota as typical of all:

This body of Indians might be taken as fairly showing the result of the policy of holding the Indian in wardship and making him heir to wealth that is being gradually distributed.

And I have no hesitancy in saying that the condition of these Indians to-day is not as hopeful as it was 18 years ago, when they had no wealth in expectancy and no payments to depend on. Their advancement has been greatly retarded by the system under which they live. They lack the many qualities that distinguished them generally 15 or 20 years ago; they have no self-dependence; they lean on the Government or the agent in all their affairs; they are in debt. They squander the money that is given them—I am speaking of the people generally, for there are a few notable exceptions to this rule. The younger

people have little pride of ancestry and no care for the future. The older people have neither ambition nor hope—beyond the next payment. They are utterly listless of the passing of time, except as it brings a payment nearer, and are much given to the cheaper amusements of the whites and the insane dances of their ancestors. Fifteen years of annuity drawing has made a people that was struggling to the surface by personal effort a set of paupers in chancery. They would be better off, so far as the future is concerned, if they stood as blanketed Indians on the virgin prairie. They prove incontrovertibly the demoralizing effect of the present system, and they stand as a fair sample of people treated as they have been.

Fortunately not all of the Indians have money in the Treasury upon which to draw. I say "fortunately," for the Indian who has nothing at all, either at present or in expectancy, is much better off than these, and infinitely better material upon which to work. As a matter of fact, the Indians of the trans-Missouri reservations, who have practically no income save that which is produced by leasing their lands for grazing purposes or what they earn by labor, are infinitely better off than these civilized and wealthy cousins of theirs. The Teton Sioux is better physically and morally and of stronger mentality than the annuitant. He has been compelled to exert himself since he was driven out of his hunting grounds, and he has had rather better health than some of his compereers for that reason. He has passed through the transitory stage involved in the change of his manner of life, and he is recovering from the anemic condition to which he was reduced by the change from the tepee to the log house, from fresh meat to cereal goods. For seven years he has had no Government assistance, except for the maintenance of schools and rations for the aged and indigent, and he is now taking his land in severalty. The demoralization will come if the present system obtains.

I would not argue that the economic and social condition of the Indian is satisfactory in the inverse ratio to his wealth; but it appears certain to me that the Indian who attained to the right to draw a dole from the Government before he had developed up to the state of being able to get a living for himself is laboring under a serious handicap and is at a standstill or retrograding.

In another chapter of this same book he says that while we are very slow to violate treaty provisions, so far as keeping the funds is concerned, and not giving the funds to the Indians per capita until the treaties expire, we are not at all squeamish about violating the treaties in any other respects so long as it increases the control of the bureau and perhaps gives still further opportunity of keeping the money from the Indians.

These immense holdings are being doled out to the Indians by a pauperizing system in sums inadequate to their needs yet sufficient to give the annuitants the sense of being provided for. I am not sure but that the average white man, if assured of a sufficient income to scratch along on, would not proceed to become an Indian after his fashion.

This is the problem that confronts the white man: How is the Indian to be saved from himself and his riches?

To me the question admits of but one answer. Give the people the money they have coming; give it to them as soon as possible. So soon as the proper official declares that an Indian is competent to administer his own affairs let that Indian have his portion of the funds, also a patent in fee for his allotment, and let him shift for himself. This procedure would relieve the Government of the care of these funds and build up manhood and individual self-reliance, which can never be realized under the present doling-out process. Do away with the leading strings and checkreins by which the Indian is now handicapped and he will immediately feel the necessity for demonstrating his capacity to manage his own estate. By this means only can the Indian be saved from chronic indigence and ultimate and absolute paupery; and I am sufficiently well acquainted with Indian nature to venture the prophecy that a large majority of those under 50 years of age will develop the capacity to hustle for themselves exactly in the proportion that their needs press them. Take away his annuity by letting him handle the principal and the Indian will be given a start on the road to complete civilization and independence that will land him at the desired goal.

I want to say, in closing, that if the Government should decide to-morrow, regardless of the competency or incompetency of the individual members of the Indian tribes, to give to every single one of them in this country the money or property to which he is entitled, held in trust funds or of tribal funds or allotments, or whatever it may be, there could not and would not in one case out of a hundred be a single instance where the money would be squandered by reason of the fact that the control of the Indian Bureau had been taken away and the restriction removed; or, if it were squandered, the "squanderer," if I may use the term, would then turn his hand to some useful occupation, because the "civilizing" influence of the Government would cease to hamper him.

I say this because I believe that the courts of this land are just as much to be depended upon to protect incompetent persons to handle their own affairs as the Indian Bureau, and because I do not believe that there is a single reason to doubt that every court in the country would give them the same protection as to their allotments and their tribal funds as they would give to any other incompetent persons. They would get the same consideration if they were not competent and not frugal in any State of the Union.

The foundation on which this bureaucratic government is maintained is this: It is a sort of a tripod arrangement. You have the educational proposition, you have the incompetent proposition, and you have the Indian's wealth. These are the three things that stand between the Indian and the Indian's freedom and the right of holding his own property at the present time. But just as soon as you get an item of expense,

whether it be a gratuity or payment, and especially if it be taken from the tribal fund, you run against this proposition, that a part of that money is spent for schools. I make the assertion that if you close every school—and I will except Oklahoma only, because they have their own government, they attend to their own business; the Five Tribes of Oklahoma are like a great corporation, they take care of themselves—if you exclude them and close every school, both day and boarding schools, in the next year, you could start out in very many localities without serious concern as to Indian children not being able to secure an education in the public schools and colleges in the States in which they live. There is no question about that in my mind; but when it comes to a show-down the proposition which affects the cutting out from the Indian bill of an appropriation made you run amuck every time of some one somewhere who draws a salary from some particular fund that may overlap an expenditure for schools. The expenditure may be so remote that it only gets into the schools through a third, fourth, or fifth step arrangement whereby somebody draws a salary as an inspector or supervisor of an Indian school in that vicinity or thereabouts. [Applause.] I should favor a commencement now, in this Congress, in this bill, on a new plan of cutting down items which are top-heavy with administration expenses.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield 10 minutes to the gentleman from Alabama [Mr. HEFLIN].

Mr. HEFLIN. Mr. Chairman and gentlemen of the committee, before I begin the discussion of the question that I intend to discuss briefly this morning I want to say, in reply to the speech of the gentleman from Ohio [Mr. FESS], that I am in favor of returning the bodies of American soldiers to America. I think that the Government that is able to take a boy from home when in the vigor of life to go to the place of danger, wherever it may be, and there spill his blood and die for the flag, that that Government ought to bring the remains of that boy back home. [Applause.] I think that those who bade these boys good-by, who went away with their blessings upon them, ought now to be permitted to have their remains returned, wrapped in the flag of our country. [Applause.] Now, I know that a great international cemetery in France would cause thousands and hundreds of thousands of American tourists to go there. Many of our people would want to go there and lay a flower on the graves of their loved ones. That is true, but, gentlemen, you know that thousands of boys went out from our country whose parents are not able to make that journey across the sea. Are they to be deprived of ever standing at the grave side of the one who in the flower of his young manhood died for his country and for civilization? [Applause.]

I am in favor of bringing back the remains of these boys who fell in battle or died with disease upon foreign fields. I think it is a measly contention that this the greatest Government on the globe, the richest Republic on the earth, should now undertake to save its money by allowing these boys' bodies to remain on a foreign battle field when their loved ones want them brought home. [Applause.] I would leave that to the American father and mother, those who brought them into being and who nurtured them to manhood. I would allow them to say whether they wanted them to remain there, and if they did I would permit the boy to sleep where he is buried, if his parents want him to remain there, as was the wish of Col. Roosevelt with regard to his brave boy who died in battle; but if they want the body brought home, it should be done. In the absence of any statement from them on the subject, then I would provide a great national burying ground in the United States and let them sleep in the soil of the land of their birth. [Applause.]

Now, Mr. Chairman, I want to say a few words about the cotton industry of the United States. This industry is of vital interest to thirty-odd millions of American people. In 1914 we exported 9,501,000 bales of American cotton. That was the last year before the war.

Mr. LITTLE. Mr. Chairman, will the gentleman yield?

Mr. HEFLIN. Yes.

Mr. LITTLE. I quite agree with the gentleman's position about bringing the bodies home or leaving it to the parents. But as I understood the gentleman from Ohio [Mr. FESS] his plan is that the field of honor shall be for those whose parents do not care to have them brought back home.

Mr. HEFLIN. I did not so understand it.

Mr. FESS. Mr. Chairman, that was the situation. No one has refused to have the bodies brought back home.

Mr. HEFLIN. Then I did not understand the gentleman's position. I did not hear all of his speech.

I was speaking of cotton. In 1914, the last year before the war, American cotton had become so popular and so necessary to the people of the Old World that they demanded of us that year nine and a half million bales of American cotton. That year the American mills consumed a little over 5,000,000 bales. Last year the American mills consumed 7,500,000 bales. Of course, the spinning industry of the Old World was disturbed during the war. People were compelled to wear old clothes, and they have worn out their old clothes. The people of the Old World were compelled to plant their cotton acreage in foodstuffs, and they have made but very little cotton. In 1914 they had a fairly good cotton crop of the kind they produce, and in 1918 they have made no cotton of any consequence. In 1914 we made the biggest crop in our history. But in 1918 we have made one of the smallest crops in four years. There is a dearth of cotton the like of which I have not seen in my day. The world's cotton crop is nearly 7,000,000 bales short, and yet in spite of that, in spite of the cotton famine that confronts us, the New York Cotton Exchange under a bear raid drove down the price of cotton in one day last week \$88,000,000 on an 11,000,000-bale crop. Something has got to be done to stop such wholesale destruction of values. I am in favor of protecting the wheat growers of America against a raid by speculators on the grain exchange, and I am in favor of living up to this Government's pledge to the wheat growers, but, gentlemen, you have got to help us protect the cotton industry against the destructive raids inaugurated by certain foreign and American spinners.

The spinner here and abroad has sold the cotton goods to be made out of this crop. The spinners here and abroad have sold it on a cost price to them ranging from 35 to 40 cents a pound, and upon that basis they will average a profit after every expense is counted of over \$235 a bale. What reason is there in justice and fair dealing for beating down the price in such fashion? The consumer is not going to get the benefit of it. The producer is being robbed. Let me show you some figures: The spinning industry in the United States consumed 5,800,000 bales of the 1913 crop. In 1914 the manufactured products from that portion of the American crop brought \$701,000,000. The American cotton crop of 1914—16,000,000 bales—sold for \$141,000,000, less than one-third of the crop in the manufactured state brought in 1914. So you can see that without any reason the producer is being robbed by a bear conspiracy of certain American and foreign spinners. They broke the price of cotton futures from \$25 to \$30 a bale in two weeks. Cotton will go back to 30 cents a pound in 15 days. It is now around 23 or 24 cents a pound on the exchange. But the producers are not selling. The spots are 28 and 29 cents. The producer is refusing to sell. He is holding and will continue to hold until he can obtain a fair price. On yesterday bear speculators put out a report that the Federal reserve banks were going to call in their loans on cotton. This was done to stampede the market. The board here says that there is no truth in such a report. All of these things are indulged in to aid a group of cotton spinners in the United States as well as foreign spinners to beat these prices down, and to buy it as low as possible, get it out of the hands of the producer, and then speculate on the exchange and run it up to 40 cents a pound. You mark my prediction; you will see cotton futures 40 cents a pound on the exchange before July 1.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. CARTER of Oklahoma. Mr. Chairman, I yield the gentleman five minutes more.

Mr. HEFLIN. Mr. Chairman, I am pleading for a fair deal for the cotton producers of the United States. The cotton producer paid \$250 and \$300 each for your western mules to make this crop. He bought grain and meat from the western men, and we have gone to greater expense in making this crop than any crop we have ever produced. We have had to fight the boll weevil, the red spider; and the drought destroyed thousands of bales in Texas and other States. The demand is great and the supply is small, and yet following the war the price is beaten down and down.

Take the history of wool, take the history of flax, or silk and cotton, and always following a war, with no exception in human history, they have gone up in price. Wool has gone up. It is in great demand and it is very scarce. That makes the demand for cotton greater as a substitute for wool, because there is not enough wool to supply the demand, and cotton will. There is not enough cotton to supply the channels heretofore supplied by cotton. Let me give you an idea about the profit Great Britain makes upon her spinning industry. The Philadelphia North American said in 1912 that Great Britain paid

\$401,000,000 for her raw cotton. She manufactured it, supplied all of the people of the United Kingdom, and then sold the surplus outside to other countries for \$611,000,000. She received over \$200,000,000 more for this remnant of the finished product than all of the raw material cost at the outset. That gives you an idea about the profit that the spinner makes. So the spinner can not be justified from any standpoint of justice and fairness for this bear raid upon the cotton exchange. I am simply pleading for justice to this great army of cotton producers in the United States. [Applause.] There must be something done, gentlemen, and done speedily. I am going to suggest a remedy very soon. Let me suggest here that we can raise \$100,000 in revenue on the New York Cotton Exchange by turning over the classification and inspection fees to the Government. Let the Government receive the 25 and 50 cents a bale for inspection and classification. Then this inspection and classification will be unbiased, it will be as fair to the buyer as to the seller. We can probably raise \$250,000 on the New York and New Orleans Cotton Exchanges. These Government officials would give a fair deal to buyer and seller. The exchange ought to be forced to handle only spindle cotton, and it ought to be compelled to obey the law. The producers will hold between three and four million bales of this crop. Now, the effect of this tremendous break was that there was a loss in the price of futures of \$30 a bale in two weeks. What do our producers say? Why, they say, "We can not afford to sell at the low price, and we will not." I have had letters from some of them saying that they do not intend to plant cotton this year; that they can make more money raising pigs and raising foodstuffs, because the boll weevil is there now and they would not have to take any chances with other crops. They will hold what cotton they have and wait for the good price which is bound to come. So the spinners who went into this conspiracy to rob the producer will pay for their folly before this thing is over.

Mr. SLOAN. Will the gentleman yield?

Mr. HEFLIN. I will.

Mr. SLOAN. I appreciate the gentleman's interest in cotton and am somewhat in sympathy with a large portion of it, but would not the producers of cotton now, as they did some months ago, rather resist the interference of the Government tending to stabilize or fix the price of this cotton?

Mr. HEFLIN. The reason the southern producer opposed fixing the price of cotton was because he feared that a reasonable price would not be fixed. You will recall that a gentleman here from Indiana introduced a bill to fix the price at 15 cents a pound, and I say to the gentleman from Nebraska that the passage of that bill would have bankrupted the whole South. It would have brought ruin to our producers. A gentleman from Ohio introduced a bill putting it at 20 cents a pound, and that figure would have bankrupted our people. Anything under 30 cents for this cotton crop would have ruined the producer and every financial interest connected with him. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. HEFLIN. I ask the gentleman for two more minutes.

Mr. CARTER of Oklahoma. I yield the gentleman two more minutes.

Mr. RAGSDALE. Will the gentleman yield for a question or a suggestion?

Mr. HEFLIN. I will.

Mr. RAGSDALE. When we fixed the price of wheat the Government sought to stabilize it and provided a market for wheat, and when the next wheat crop was about to come into sight there was not 10 days' supply of wheat in America. When the gentlemen in charge of fixing the price of cotton seed, which is two-thirds of the cotton production, the total weight of it, although they fixed the price of wheat and provided a market to the farmers, they found no market for cotton seed; and the fear was that the same regulation would do for the lint as it did for the seed, the fixation of a price without giving a market. It is very different from what it was in reference to the wheat question.

Mr. HEFLIN. Not only that, but I will say to the gentleman from Nebraska that at the time the war came on they fixed the price of wheat at \$2.20, and that was more than double the old price. Cotton sold for about 15 cents for five years prior to the war; doubling cotton at the same percentage as was on wheat would make cotton bring about 34 cents a pound.

Mr. ANDERSON, Mr. KNUTSON, and Mr. WELLING rose.

The CHAIRMAN. To whom does the gentleman yield?

Mr. HEFLIN. I will yield to all three. I yield first to the gentleman from Minnesota [Mr. ANDERSON].

Mr. ANDERSON. The gentleman says the price was fixed when the war commenced. What does the gentleman mean—the European war or when we entered the war?

Mr. HEFLIN. At the beginning of the European war.

Mr. WELLING. At the time we entered the war wheat was more than \$2.20.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. KNUTSON. Mr. Chairman, I ask unanimous consent that the gentleman be given time to answer a question.

Mr. CARTER of Oklahoma. I yield the gentleman one minute.

Mr. KNUTSON. Am I correctly informed that when there was a movement on foot a year ago last summer to fix the price on cotton the commercial bodies of New Orleans, Atlanta, and different places sent a delegation here to protest to President Wilson against the fixing of such price?

Mr. HEFLIN. That is true, because, as I said, one gentleman here, a Democrat from Indiana [Mr. Cox], offered a bill making the price 15 cents a pound, and another one, a Republican [Mr. EMERSON], offered a bill fixing the price at 20 cents a pound, which scared them almost to death. If the price had been fixed at around 30 cents a pound at that time, I do not think they would have objected, but as three-fourths of the country knew nothing about the cost of cotton production they were afraid that they would not be given a fair price for it.

Mr. KNUTSON. The President could have been depended upon to fix a fair price. What was a fair price on wheat?

Mr. HEFLIN. You all were pretty well satisfied with the treatment of wheat.

It cost more to produce this cotton crop than any previous crop. All we want, gentlemen, is the price that the law of supply and demand entitles us to. We made this crop expecting to get 30 cents and above, just as you people are expecting to get \$2.20 for this crop of wheat this year. [Applause.]

Mr. KNUTSON. The gentleman must remember that we got in before it commenced raining.

Mr. HEFLIN. I know you did.

The CHAIRMAN. The time of the gentleman from Alabama has expired.

Mr. HEFLIN. Mr. Chairman, I ask unanimous consent to revise and extend my remarks.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. SNYDER. Mr. Chairman, I yield 10 minutes to the gentleman from Illinois [Mr. GRAHAM].

Mr. GRAHAM of Illinois. Mr. Chairman and gentlemen of the committee, I am rising at this time in this general debate to call attention to a matter which has recently been brought to my notice and which I think is of such a nature that the country ought to know something about it. When we went into this war and passed certain acts giving control of the railroads of the country to the Government, it was done as an emergency measure only. We concluded that it might be necessary for the Government, in order to carry on this war properly, that it have control of the railroads of the country. It was not the intention, I dare say, of the majority of those who voted for the railroad-control act that it should be made the instrument by those who should execute it to lead the country toward the policy of Government ownership of these public utilities. And yet I believe that most of the orders that have emanated from the Railroad Administration since they have had charge of the railroads of this country have led as far as they could toward ultimate Government ownership. And it occurs to me that, in what I have seen of the majority party in this House, perhaps most of them incline to that view. Personally I do not, for many reasons. I think that so far as private ownership can obtain in this country of any institution—any public utility or anything else—that private ownership should continue to obtain. In other words, as I have said here before, I do not believe the Government ought to ever engage in private business unless it is necessary in the exercise of its police powers or to maintain the health, morals, or good order of the community. We have had very many peculiar and extraordinary orders issued by the Railroad and Food Administrations since this war began, but none, I dare say, gentlemen of the committee, more peculiar than this order I desire to call to your attention.

Mr. SLAYDEN. Will the gentleman permit a brief interruption?

Mr. GRAHAM of Illinois. Yes; though I have but 10 minutes.

Mr. SLAYDEN. I would like to ask the gentleman how much of an investigation leads him to the conclusion that the majority on this side is in favor of Government ownership? My investigation leads to the reverse of that. I am guiltless, at least.

Mr. GRAHAM of Illinois. I know. I have heard the gentleman from Texas express himself and I admire his good judgment in that matter. I think, however, the position of the

Democratic leaders on the committees has been sufficient to convince the membership that there is a strong sentiment, at least in the committees, on your side of the House in favor of that ultimate position.

I assume that the majority of you men represent, in part at least, districts where they ship grain to market, and therefore you are interested in this: This order is an order issued by the United States Railroad Administrator on November 26 last, called General Order No. 57, and which has to do with the filing and adjudication of claims for a loss of bulk grain in transit. The law in my State—and I assume it is the law in most of the States of this Union—is that when grain, or any other commodity, for that matter, is delivered to the common carrier that that is itself a delivery to the consignee. The legislature in our State, and, I assume, in most of your States, has passed laws providing that when grain in bulk has been consigned to some consignee, and has been delivered to the common carrier, it shall be weighed in on proper scales, to be furnished by the railroad, and that it shall be weighed out at the other end, and that any loss in transit shall be chargeable to the carrier and can be made the basis of a claim. This provision of the law in Illinois was incorporated in a part of section 118, in chapter 114, of our statutes. I will read it briefly, because I think it is the statute in most of the States:

At the time such grain—

That is, grain in bulk—

is received by it for transportation—

That is, the common carrier—

such corporation shall carefully and correctly weigh the same and issue to the shipper thereof a receipt or bill of lading for such grain, in which shall be stated the true and correct weight.

Weighing out, shrinkage: And such corporation shall weigh out and deliver to such shipper, his consignee, or other person entitled to receive the same, at the place of delivery, the full amount of such grain, without any deduction for leakage, shrinkage, or other loss in the quantity of the same.

Damages: In default of such delivery, the corporation so failing to deliver the full amount of such grain shall pay to the person entitled thereto the full market value of any such grain not delivered at the time and place when and where the same should have been delivered.

Now, gentlemen, the object of that statute is plain and obvious to anyone who can read. The object of it is that when grain is delivered to a railroad company for transit the railroad company shall take reasonable care and shall deliver that to the consignee as it was shipped. If the rule obtained that the consignor must follow his grain or that the consignee must look after it in transit, it would be absolutely impossible for him to trace that shipment through various ramifications throughout the country and ascertain whether the grain was lost in transit by the negligence of the carrier or not. Notice the language of this peculiar order issued by the United States Railroad Administration. In the first place, it is stated by the administration:

Claims on grain shipped in bulk constitute a large proportion of loss and damage claims. Some of the widely varying practices of both shippers and carriers with respect thereto are of doubtful propriety, and in many cases result in undue preference and unjust discrimination.

In view of the foregoing, there is no good reason why carriers should assume responsibility for claims the basis of which is solely the difference between these loading and outturn weights.

Therefore claims for loss of bulk grain will be recognized only where there is evidence of negligence on the part of the carriers. Leaks due to improper cooping of cars or placing of grain-door boards are not to be considered as evidence of negligence on the part of the carrier, and the following rule shall apply until superseded by others that may be adopted as a result of investigation and study of the subject now being carried on by carriers and shippers in connection with the Interstate Commerce Commission.

The true interpretation of that language is this: That claims for loss of grain will be recognized only when there is evidence of negligence on the part of the carrier. Do you see what that means, gentlemen? It means that the burden of proving loss of grain in transit is shifted from the common carrier to the consignor or consignee. It means that no claims for losses will be allowed at any time by the United States Railroad Administration unless there is absolute proof made by the consignor or consignee that the loss was due to the negligence of the carrier. Now, how many claims, gentlemen, do you suppose can be authenticated by that method of procedure?

Mr. McKEOWN. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. McKEOWN. Does not that order set aside the rule requiring the railroads to furnish suitable cars? Does not that ruling excuse them for failure to furnish suitable cars?

Mr. GRAHAM of Illinois. Yes. I will come to that in a moment. Down in my country—and I expect it is true in the gentleman's country, and in many cases men ship from sidings—cars are furnished by the railroad carriers upon request. The shipper is lucky if he gets any kind of a car. The railroad com-

pany puts his car on the siding, and the shipper loads the grain in the car provided for him. If he should demand a better car he might not get one for a long time, and he might not get any at all. He might have to wait for months. So he takes the car that is furnished to him.

Now, when the railroad company furnishes him a poor car, it does not thereby decrease the freight rate, does it? The railroad companies get twice the freight rates they received before, almost. So the shipper loads the car, and when it gets to its destination it is found that there is a loss of weight in transit. But under this order the burden is upon the shipper to prove that that loss of weight is through the fault or negligence of the company.

Mr. DEWALT. Mr. Chairman, will the gentleman yield?

Mr. GRAHAM of Illinois. Yes.

Mr. DEWALT. What is your practice out there about bills of lading? Have you restricted bills of lading or open?

Mr. GRAHAM of Illinois. They are usually restricted.

Mr. DEWALT. If you have a restricted bill of lading, how can you compel the Federal Railroad Administration to pay a loss? How can you compel them to pay a loss on a restricted bill of lading?

Mr. GRAHAM of Illinois. That comes under the provisions of the statute.

Mr. DEWALT. Would not a restricted bill of lading operate against your construction?

Mr. GRAHAM of Illinois. I think the statute would govern. I understand that is practically the rule in every State in the Union, and I think it is true in the gentleman's State.

But, now, under this ruling, when the shipper, whether in Pennsylvania or in Illinois, starts a shipment of wheat to Chicago or to some other point, and it gets there and it is found to be short in weight, in order to get any damage somebody has to prove that it was the fault of the railroad company. How can you do it? The records are in their possession. They can trace the shipment. Sometimes the shipment has taken several weeks. In rule 8, in order to make the defense of the railroad company or common carrier better, observe the language. I read:

a. Clear-record cars. If, after thorough investigation by the carrier, no defect in equipment or seal record is discovered, such record will be considered to show that the carrier has delivered all of the grain that was loaded in the car—

No matter how much is there. If the railroad company's certificate says that they have made investigation and found no defect in the equipment or seal, it is equivalent to showing that the same amount of weight is in the car that was put in the car. Then, again—

If evidence is produced by the claimant indicating a defective record, such evidence shall be investigated and given due consideration.

In other words, the certificate of the common carrier is considered as prima facie evidence that they have done their duty and delivered all the grain, while the claimant's contention to the contrary will be given "due consideration." I insist that the order repeals by implication the laws of practically every State. It overturns the rules of damages of all our courts. It establishes a condition where no one who has a claim on shipments of grain can recover from the Government, and therefore this inures to the benefit of the common carriers, just like the other rules that have been made. I submit that this rule of the Railroad Administration ought to be immediately withdrawn; and, inasmuch as I have no voice that can be heard much anywhere else, I have made this statement here, so that it possibly can give to the country in some way the gist and purpose of this order as I understand it. I have not criticized the administration very much. I voted for the railroad administration legislation, and I voted for the food administration act and other acts in the emergency, and I did it to hold up the hands of the President and do everything I could to help in carrying on this war. But the time has come now when we are embarking on times of peace, and orders of this kind should not be rashly and inconsiderately entered by those who are administering the laws and issuing orders that will redound to the disadvantage of the people of the country.

When the railroad-administration act was passed, as I have said, it was the manifest purpose of Congress to give to the administration the control of the railroads of the country, so that shipment of troops, munitions, food supplies, and other necessary war materials might be coordinated and regulated and expedited. A similar measure was enacted during the Civil War, and as a result of that act President Lincoln took possession of something like 2,500 miles of railway in the United States, which were used for war purposes and immediately turned back to the private owners as soon as the war was ended by the surrender of the Confederate forces. The

administration of the railroads of the country by the Government ought to be such as to unsettle existing rules and regulations and State and Federal laws as little as is absolutely possible. But instead of this the most revolutionary steps have been taken, until no one knows what his legal rights are as regards these public utilities in the way of ownership or legal action against them. Millions of dollars' worth of claims are now pending in the United States, proper and legitimate claims, in which the claimants have no surety that they may be ever able to collect any amounts from the railroads. The Railroad Administration orders have been continually in favor of the railroads and against the general public, and this order No. 57 is simply a continuance of the same discrimination against the public that has characterized the entire administration. Hardly had the administration begun its work before freight rates were suddenly increased almost 100 per cent, then passenger rates were practically doubled; train service was disorganized. The poorest train service that has ever been experienced by this country has been since the Railroad Administration took control of the railroads. The efficiency of the employees has been lessened and the service to the traveling public has been almost indefensible. The Railroad Administration, in its various orders, has absolutely nullified and abrogated the provisions of the Sherman Antitrust Act, and has been permitting consolidations and combinations that we have been trying for 25 years to prevent by legislation. An administration that went into power decrying the trusts and combinations has suddenly created the greatest trust and combination of railroad companies that any country ever saw, and is now insisting through the Railroad Administration on the continuance of this system. If what we have had is a fair example of Government ownership, then the sooner we have done with it the better.

Order No. 57 violates not only the statutes of the State of Illinois and many other States in the Union, but it violates the Federal law as well. It is in direct violation of the provisions of an act relating to bills of lading in interstate and foreign commerce approved August 29, 1916. As I have said, it abrogates and sets aside the established rules of the common law and statutory enactments generally. Every requirement of justice and of orderly procedure in such matters requires the immediate withdrawal of this pernicious order. [Applause.]

By unanimous consent Mr. GRAHAM of Illinois was given leave to revise and extend his remarks in the Record.

Mr. TILLMAN. Mr. Chairman, I am authorized to yield 10 minutes to the gentleman from Oklahoma [Mr. McKEOWN].

The CHAIRMAN. The gentleman from Oklahoma is recognized for 10 minutes.

Mr. McKEOWN. Mr. Chairman and gentlemen of the House, the remarks of the gentleman from Minnesota [Mr. ELLSWORTH] struck the keynote of the Indian situation when he said that they stand upon a tripod—education, incompetency, and finance.

But I want to say that if the Congress of the United States should adopt a policy that would take the money that belongs to these Indians out of the Treasury of the United States and start them upon a business career you would soon find that the interest of this bureau would diminish immediately. If you remove the financial proposition out of the Indian question you will see how soon the interest that is so manifest now as to the welfare of the Indians would disappear.

In Oklahoma, where many members of these Five Civilized Tribes are the equals of the white men that live among them in intelligence and thrift and business industry, I want to say to you that they are hamstrung by this Bureau of Indian Affairs. A man can not secure in that country the control of his own property. Although he invests thousands of dollars in liberty bonds, he is not permitted to have the interest that is collected from his liberty bonds. In probate matters in Oklahoma it is not sufficient for the probate judge selected by the intelligent citizenship of that State—in which the Indian citizen has equal opportunity with the white man to vote for the judge—it is not enough to have a probate judge set over them to look after their affairs and pass on their accounts. That is not sufficient to satisfy the Indian Bureau. Indian agents must be appointed to go all over their accounts, and although the county judges in the several counties shall approve the accounts of the guardian, yet he can not pay the money out until it has the O. K. of the department.

Mr. GREEN of Iowa. Mr. Chairman, will the gentleman yield?

Mr. McKEOWN. I will.

Mr. GREEN of Iowa. The gentleman realizes that that would make more places in the departments here, so that that department is like the other departments in that respect.

Mr. McKEOWN. This department is not the only one here that is overcrowded with employees. Nearly all of the departments with which I have had anything to do have a surplus of employees.

Mr. GREEN of Iowa. I agree with the gentleman.

Mr. McKEOWN. I want to call attention to the fact that when a guardian in the State of Oklahoma is appointed over a minor or incompetent Indian and gives a surety bond as good as can be given in the United States, he is not permitted to have the funds of his ward turned over to him and administered in the courts of Oklahoma, but he will get the funds if it meets the pleasure of the Commissioner of Indian Affairs, no matter how good the security of the bond. I say to you that this double guardianship is an outrage and a reflection upon the intelligent citizenship of the Five Civilized Tribes.

Now, Mr. Chairman, I desire to read an editorial from the New York Times upon this question of Indians and their affairs:

[From the New York Times.]

INDIAN CITIZENSHIP.

A story of the heroism of two American Indians has been told in the dispatches from France. On a scouting expedition back of the German line they stealthily found their way to a building used as staff headquarters, where a group of officers were smoking and drinking at their ease, with no thought of danger. The Indians, one of whom was a lieutenant and the other a private, threw hand grenades into the room. All the Germans but one were killed or wounded. The survivor, running from the building was shot dead with a revolver by the Indian private. With his officer he reached the American trenches, but both were wounded by the fire of the aroused enemy. At an emergency hospital the Indian private was asked how he felt. "I am all right," he said, but fell as he spoke the words, and expired.

It was perhaps the impression of those who read the report of this daring achievement that the Indian was a rarity in the American Army. The fact is, however, that about 10,000 Indians have served in the Army and Navy, chiefly with the land forces. Most of them volunteered. Our American Indians did a great deal more for the cause of civilization and for America. They bought liberty bonds (not including the fourth issue) of a value of \$15,000,000; also thousands of war-savings certificates; they contributed liberally to the Red Cross, and made 100,000 hospital garments for the soldiers and sailors. It would be remarkable if the kindred of the Indians who have fought on land and sea for the Stars and Stripes were not proud of their heroes, and it is quite natural that when our statesmen are pleading for the small nations and talking about self-determination the aboriginal people of America should desire personal independence and the rights of citizenship for those of their number who are still living on reservations under the supervision of the Indian Bureau. In September last the Society of American Indians in convention at Pierre, S. Dak., adopted a platform, in the preamble of which it was said:

"The close of the war should see the legal status and condition of the Indians greatly improved. A grateful Government and people will not withhold from the native American race full rights as freemen under the Constitution. For this primary right and fundamental claim of the original occupants of the land we make renewed demands. It is the greatest anomaly in history that the Indians in this land of their nativity should be deprived of the privileges of democracy, the liberty which they love and crave, and should be subjected to reservation restrictions and petty oversight and control, without a citizen's rights or a voice in the Government."

The Indians in conference urged "the division in severalty upon the books of the Government of all funds held in trust by the United States for all Indian tribes, and that these individual accounts be paid as soon as possible," adding: "Annuities and doles foster pauperism and are a curse to any people capable of independence and desirous of the self-respect and esteem of their fellow men." Congress was asked to abolish the Indian Bureau, which "was never intended to be a permanent part of the Interior Department." These intelligent Indians, of course, understood that many of their people on the reservations were not ready for citizenship, and that therefore it should not be given to the backward by a stroke of the pen. They also knew that under the law of 1887 an Indian could sever himself from his tribal relations and qualify for citizenship, but they were speaking for the reservation Indian under the blight of dependency, handicapped by restrictions upon his liberty and the development of his faculties, who feels a sense of injustice, knows his people have been wronged by the white man, and is helpless if not benighted.

Gentlemen of the House, I say to you that the crying need to-day of the American Indian is simply the opportunity to get out into the world and make his way. As an illustration of it there was an Indian over in France in the American Army. He had \$200 coming to him, granted by this Congress, as a per capita payment. It was his money. He wrote and asked that the superintendent of the Five Civilized Tribes send him a portion of this money, as he needed it in France. The reply went back to his wife that it was impossible to send the money over. I received a letter from that Indian, in which he said in his broken way—

It is funny to me, my wife full blood, got more sense than agent. She able to send money to me.

And I say to you that he expressed my sentiments. [Applause.]

Mr. SNYDER. I yield five minutes to the gentleman from Missouri [Mr. DYER].

Mr. DYER. Mr. Chairman, I desire to call attention to the matter brought out by the gentleman from Oklahoma [Mr. McKEOWN] and the gentleman from Iowa [Mr. GREEN] with reference to employees in the Government departments. I have

understood from these gentlemen and from others who have spoken here from time to time that the departments in Washington are overcrowded with employees. I understand that that is generally believed and generally known; in fact, that a number are leaving, although more are staying, of course, than taking advantage of the opportunity to leave and have their fares paid home. But if it is a fact that the departments are full to overflowing with Government employees, then there is no sense for the War Department or the Navy Department to hold here in Washington men who are in the military service, the Army or the Navy, to do mere clerical work. I remember a few days ago I had a request from a widowed mother in my State asking for the discharge of her son, who was here at Camp Meigs receiving \$30 a month running a typewriter, acting as a stenographer and typewriter, whereas he had a position at home which he had been compelled to give up, but which is now open to him, by which he might support his widowed mother, paying him \$125 a month.

I had another case similar to that here in the Medical Supply Depot, where two young men were seeking to get out in order that they might take advantage of good positions which are open to them. They are working here in the Medical Supply Depot in the Government service, doing clerical work at \$30 a month.

When I asked a gentleman in the medical supply depot of the War Department why they had to keep men here who came for the war, who are doing clerical work at \$30 a month, and deprive them of the opportunity of going home and getting back into their positions in civil life and supporting their dependents, they told me they must keep these men because they can not get anybody through the civil service to do the work. The colonel out in the supply depot told me yesterday that he had been trying faithfully to obtain from the Civil Service Commission men to do the work—typewriting, bookkeeping, and things of that kind—and after continuous appeals to the Civil Service Commission they had been able to get only two men, and that they had to keep the soldiers there to do the clerical and other work in order to attend to the Government business. If that is true, why not take some of the men who are overcrowding the other departments in Washington and put them into these positions, which are purely clerical ones, so that the boys who want to go home and go to work can do so? In my judgment the Civil Service Commission ought to find some way to improve these conditions. I spoke of it the other day when we were considering the appropriation for the continuance of the Civil Service Commission, and I repeat now what I said then, that in my judgment the Civil Service Commission is not rendering to the Government and to the people the faithful and efficient service that it is supposed to render when it does not furnish men for the departmental work in Washington, so as to relieve the men who are wearing uniforms, who are here for the war, and the war being over ought to be sent home and other men put into these positions who will be paid a proper amount. [Applause.]

Mr. SNYDER. How much time have I remaining?

The CHAIRMAN. The gentleman from New York has 25 minutes.

Mr. SNYDER. Mr. Chairman, I am going to yield a little time to myself.

The CHAIRMAN. The gentleman is recognized for 25 minutes.

Mr. SNYDER. Mr. Chairman and gentlemen, this is a very important measure, consisting in all of appropriations amounting to something over \$11,500,000.

In the four years that I have served on this committee it is a pleasure for me to say that in the discussion and investigation of the items contained in the bills which have been offered here there has never been developed any political acrimony or discussion of any kind. Usually it has been the policy of that committee to endeavor to arrange the matters brought before it on a basis that would insure the greatest saving to the Government and to the Indians and at the same time produce an improved operation of the Indian Bureau and of Indian affairs.

What little success has been obtained the members of this committee are fully as well aware as am I. It has been very difficult in the past, and it still is difficult, to bring about improvements such as are suggested from time to time by members of the committee.

In this bill we have increased to some extent the reimbursable items. I might say that the bill is made up of three principal items—treaty items, reimbursable items, and gratuity items. The total amount of the bill which we are now discussing, and of these three items, is \$11,580,000. The present law carries \$11,066,000, being an increase this year of something like

\$500,000. That increase is very largely in reimbursable items, due to the fact that during the last year, the period of the war, it was decided by the committee to refrain from new construction, and in some cases we held up improvements. But now that the war is over it has been thought advisable, in view of assisting in every way to reemploy those men who went to the war and those who are being relieved from war activities, to again institute new construction to some extent. There are some other items in the bill involving new legislation that I will discuss a little later.

In the aggregate the gratuities amount to something like \$4,668,000, representing 43 different activities through an increase only of \$182,000. The policy and theory upon which we worked was that while there was no increase permitted for school-teachers or superintendents, those being cared for by the general law, the committee thought the department entitled to some consideration and some increase in view of the great increase in the cost of living at the present time as compared with the cost at the time we made the previous bill. So we have allowed them on subsistence, transportation, and so forth, a matter of about 12 per cent increase, allowing no increase at all in such items as salaries, superintendents, and so forth.

I have prepared two sheets, one of them dealing with reimbursable items, giving items that have been increased or decreased, so that it will be an easy task for any member of the committee who desires to compare what we are proposing to undertake with the current law, and it will be a simple matter to refer to the figures and secure the desired information.

For instance, I have sat here for several years and heard these bills, as they were being read, and find an item of \$250,000 for irrigation, or something of that sort, but I have had nothing before me to show how much was used or what amount exists under the present law. It seemed to me that by having a sheet to compare the items which have actually been changed in the bill anyone can refer to them and then refer to the page in the hearings and get immediately the reason for the increase or decrease of that item.

It will be noticed also that the committee is continuing the policy of a year ago of basing the cost of schools on the actual average attendance of pupils instead of the former policy of basing it on the per capita enrollment. We are continuing the policy again this year, which is a complete check on the total amount of appropriations in each item for the support and maintenance of each school. In other words, if we have an appropriation for an Indian school and a certain amount of money, based on an estimate of average attendance, and it is found the attendance falls below, only the amount we allow in the bill per capita for the support of the schools can be spent.

It will be noted that the limitation under the item "Per capita cost" might appear in the figures to have been increased over department estimates from \$200 and \$225 to \$225 and \$250. Attention, however, is called to the fact that the language of the limitation carried in the estimates is based on enrollment, while that carried in the bill as reported is based upon actual attendance. This, your committee thinks, places the limitation of these expenditures upon a more stable basis and in the end works in the interest of economy.

Mr. HASTINGS. Will the gentleman yield?

Mr. SNYDER. I will yield to the gentleman.

Mr. HASTINGS. Would it interrupt the gentleman's argument to call attention to the other reform which we inaugurate, and that is to cut out the words "available until expended"?

Mr. SNYDER. I am glad the gentleman from Oklahoma brought that to my attention. I am pleased to say that the gentleman from Oklahoma [Mr. HASTINGS], a member of the committee, has, in season and out of season, insisted on removing from the bill the words "available until expended." This year the committee has adopted the policy of eliminating those words. For several years we have appropriated for certain items in the bill, and then we would find in a year or two that nothing had been done with the appropriation, or perhaps it had been used for some other purpose.

So that certain activities we have been anxious to have moved and the committee's ideas carried out have been apparently and religiously laid aside until such time as the bureau gets ready to use the money in its own way. Therefore we decided to make the moneys available for this year only. The moneys that we appropriate for certain purposes after investigation are to be expended in the way the committee desires them expended. [Applause.]

Mr. TILSON. Mr. Chairman, before taking up another portion of the gentleman's remarks, will he state from his experience on this committee what is the tendency in regard to the gratuity appropriations, whether there is any indication that

at any time in the future there will be a decrease in these items, so that we may look forward to a time when this whole anachronism in our Government will be removed and the Indians will become self-supporting people like other people?

Mr. SNYDER. Mr. Chairman, I regret to inform the gentleman that the information which I have gained leads me to believe that about the last thing the bureau ever desires to do is to let loose of any Indian or his money; but it has been my policy and practice since I have been on the committee to get the money which belongs to him just as quick as I can and to get rid of the Indian just as quick as I can. [Applause.] I further believe, as some one stated here this morning, that in many sections of the country the Indians for whom we are providing, for whom we are operating activities, are just as capable of operating their own properties and using their own money in their own way as are many, many white American citizens throughout this country. Therefore, I say again that it has been my policy and practice to do as I have stated, and I certainly see nothing now which will lead me to believe that I shall change my ideas about it.

Mr. TILSON. What about those to whom it is a gratuity? Is there any hope that these Indians will become at some time or other entirely self-supporting and be on the same plane with other American people?

Mr. SNYDER. I will say to the gentleman that against my advice and judgment we have, within the past two or three years, taken aboard again tribes of Indians who have been discharged for years and years, I guess nearly a hundred years, and it was due entirely to a sympathetic idea, losing sight of the legal phase, simply because the Indians were poor and because we did not insist upon making the State in which these paupers exist do its share and care for these Indians. We have again entered upon the policy of taking back the Indians who have left us, either from their own desire or because of some limitation placed upon them. I am absolutely opposed to that. I believe that when a tribe of Indians has been finally discharged and put on its own resources within the borders of a State, the responsibility of the Government of the United States has ceased, and the State should take up its burden and handle the proposition as any other State in the Union would and ought to do.

I do not know that I have much more to say. I ask unanimous consent to append to my remarks these schedules which I have arranged here, so that anyone desiring to have the information quickly with regard to any item can find the comparison here.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. STAFFORD. Mr. Chairman, the gentleman has called attention to one reform adopted in this bill, seeking to discontinue the life of the appropriations beyond the fiscal year. May I inquire whether the committee has called upon the Bureau of Indian Affairs for the amount of the appropriations that are available, carried in prior acts, which have not been used or have not entirely been expended, and what is the total amount of those appropriations?

Mr. SNYDER. Of course we have that in the hearings, in the justifications for each of these items. The moneys unexpended and available for further expenditure are included in these items, and if the gentleman is interested in any particular item he can find it by referring to the page in the hearings that would cover the item he has in mind.

Mr. STAFFORD. I wish to commend the committee for preparing a report this year which embodies a splendid innovation, and which will prove of great value to the Members of the House in directing the attention of the House to the page of the testimony referring to a particular item, so that a Member need not roam about the hearings as we were compelled to do yesterday in consideration of the Diplomatic and Consular appropriation bill. The report filed here indicates the amount of the current law, the amount estimated, and the amount allowed for the next fiscal year, and in addition thereto gives the page at which the discussion of it may be found in the hearings, a very excellent arrangement, for which the committee deserve commendation.

Mr. SNYDER. I will say that these sheets that I am appending to my remarks have opposite the items also the page of the hearings, so that anyone can refer to them. I do not think that there is a single item in this bill that has not been fully discussed. I think we went to the bottom of every one.

By permission of the committee, I append herewith the papers to which I have referred, and will state that so far as this side of the House is concerned general debate is ended, and we are ready to proceed with the reading of the bill under the five-minute rule. [Applause.]

INDIAN APPROPRIATION BILL.

This measure is divided into three general sections—treaties, reimbursable items, and gratuities—each section containing many items. The total appropriations in this bill as recommended and in the present law under these sections are:

	Under this bill.	Under present law.
Treaties.....	\$834,800.00	\$801,120.00
Reimbursable.....	3,291,514.94	2,984,965.00
Gratuities.....	7,453,645.95	7,289,400.00
	11,580,019.89	11,066,485.00

REIMBURSABLE ITEMS.

The committee made several changes in this section—some over the estimates and some over the present law and the estimates. The total amount of reductions in these suggested appropriations was \$119,000, and the total amount of increases aggregated \$1,124,300. The items thus changed, and whether the change is plus or minus, are shown as follows:

Page in hearings.	Item.	Present law.	This bill.	Plus or minus.
4	Surveying and allotting reservations.....	\$50,000	\$10,000	—
7	Irrigation, reservations.....	250,750	268,050	+
66	Industry among Indians.....	150,000	100,000	+
85	Payment for supplies.....	None.	500,000	+
123	Irrigation system, Pima Indians.....	15,000	20,000	+
124	Irrigation, Colorado Reservation.....	70,000	209,000	+
129	Water supply, Navajo and Hopi.....	25,000	30,000	+
131	Canada irrigation project.....	23,000	20,000	—
133	Pumping plant, St. Xavier Reservation.....	None.	16,500	+
185	Irrigation system, Fort Peck.....	50,000	100,000	+
210	Irrigation, Pyramid Lake, Nev.....	30,000	5,400	—
	Irrigation, Jemez and Zia Pueblos.....	None.	31,000	+
	Road, Mescalero Reservation.....	16,000	25,000	+
289	Modoc irrigation, Klamath Reservation.....	7,000	5,000	—
344	Irrigation, Wind River Reservation.....	50,000	200,000	+
346	Diversion dam, canals, etc., Wind River.....	None.	200,000	+

GRATUITIES.

In the matter of gratuities under this bill the committee has changes in a number of items covered in the current law by increasing authorized expenditures in this direction to the amount of \$182,878.20. The following tables give the details of the changes both in the items decreased or increased as between the law and the provisions in this bill:

Page in hearings.	Item.	Current law.	This bill.	Plus or minus.
15	Suppression liquor traffic.....	\$150,000.00	\$125,000.00	—
21	Relieving distress and disease.....	350,000.00	375,000.00	+
26	Indian school support.....	1,650,000.00	1,750,000.00	+
53	Telegraph and telephones.....	8,000.00	6,000.00	—
63	Inspectors, Indian Service.....	30,000.00	25,000.00	—
83	Suppressing disease live stock.....	25,000.00	50,000.00	+
91	Reimbursement A. H. Snyder.....	None.	27.20	+
91	Development stock water supply.....	None.	50,000.00	+
117	Indian school, Fort Mohave.....	35,100.00	38,850.00	+
118	Indian school, Phoenix, Ariz.....	144,500.00	155,000.00	+
121	Indian school, Truxton Canyon.....	24,500.00	27,000.00	+
126	Water supply Papagos.....	20,000.00	52,000.00	+
132	Reservoir and ditches Laguna Indians.....	None.	5,000.00	+
137	Support California Indians.....	50,000.00	42,000.00	—
138	Lands California Indians.....	10,000.00	20,000.00	+
139	Indian school, Riverside, Cal.....	157,600.00	153,600.00	—
158	Indian school, Lawrence, Kans.....	166,350.00	167,000.00	+
163	Indian school, Mount Pleasant, Mich.....	78,000.00	90,750.00	+
165	Indian school, Pipestone, Minn.....	48,650.00	54,650.00	+
202	Indian school, Genoa, Nebr.....	88,500.00	92,000.00	+
206	Indian school, Carson City, Nev.....	70,000.00	92,500.00	+
218	Indian school, Albuquerque, N. Mex.....	98,500.00	102,250.00	+
220	Indian school, Santa Fe, N. Mex.....	85,850.00	92,000.00	+
223	Counsel for Pueblos.....	2,000.00	2,500.00	+
228	Indian school, Cherokee, N. C.....	39,600.00	43,800.00	+
231	Support Fort Berthold Indians.....	15,000.00	30,000.00	+
232	Indian school, Bismarck, N. Dak.....	32,600.00	35,725.00	+
234	Indian school, Fort Totten, N. Dak.....	98,000.00	89,000.00	—
236	Indian school, Wahpeton, N. Dak.....	46,800.00	52,800.00	+
	Reimbursement Benson County, N. Dak.....	None.	76.00	+
242	Indian school, Chillico, Okla.....	111,600.00	101,600.00	—
271	Cherokee Orphan School, Oklahoma.....	38,000.00	43,000.00	+
275	Schools in Oklahoma (other than above).....	250,000.00	225,000.00	—
288	Indian school, Salem, Oreg.....	133,000.00	150,000.00	+
292	Indian school, Flandreau, S. Dak.....	86,500.00	88,750.00	+
294	Indian school, Pierre, S. Dak.....	63,000.00	64,250.00	+
295	Indian school, Rapid City, S. Dak.....	80,000.00	71,875.00	—
302	Canton (S. Dak.) Asylum.....	40,000.00	45,000.00	+
306	Education Alabama Indians, Texas.....	8,000.00	2,000.00	—
334	Indian school, Hayward, Wis.....	55,450.00	61,350.00	+
336	Indian school, Tomah, Wis.....	65,000.00	71,875.00	+
341	Indian school, Shoshone, Wyo.....	37,500.00	41,250.00	+
	Investigation Indian affairs.....	None.	15,000.00	+
	Total of items involved.....	4,495,303.00	4,668,178.20	

The CHAIRMAN. The Clerk will read.
The Clerk read as follows:

SURVEYING AND ALLOTMENT INDIAN RESERVATIONS (REIMBURSABLE).

For the survey, resurvey, classification, and allotment of lands in severalty under the provisions of the act of February 8, 1887 (24 Stat. L., p. 388), entitled "An act to provide for the allotment of lands in severalty to Indians," and under any other act or acts providing for the survey or allotment of Indian lands, \$10,000, to be repaid proportionally out of any Indian moneys held in trust or otherwise by the United States and available by law for such reimbursable purposes: *Provided*, That no part of said sum shall be used for the survey, resurvey, classification, or allotment of any land in severalty on the public domain to any Indian, whether of the Navajo or other tribes, within the State of New Mexico and the State of Arizona, who was not residing upon the public domain prior to June 30, 1914.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The appropriation carried in this item in the pending act is \$50,000. I notice that it has been reduced to \$10,000. That awakens a query in my mind as to whether the land on Indian reservations has been entirely surveyed at the present time.

Mr. HAYDEN. I can assure the gentleman that is not so. There are vast areas, particularly in my own State, of Indian reservations that have not been surveyed. I tried to interest the surveyor general of Arizona to induce him to do this surveying out of the appropriations available. If the gentleman will note, in the hearings it appeared that there was available, from the unexpended balance from past years, \$245,000; \$97,000 was expended, leaving an unexpended balance of \$148,181. I took the matter up with the surveyor general of Arizona, and he informed me it was utterly impossible at this time to get surveyors to do the work because the engineering profession had very largely gone into the war. The Indian Office gives a similar reason for having this large unexpended balance on hand. It therefore appeared proper to the committee at this time to make only a nominal appropriation of \$10,000 for the next fiscal year.

Mr. STAFFORD. I notice in last year's act that the appropriation carried there was to remain available until expended. Of that balance of \$148,000 how much is available?

Mr. HAYDEN. I imagine all of it. That language—"to remain available until expended"—has been carried generally in this bill for years, particularly in reference to this item.

Mr. STAFFORD. So the Surveyor General has at his disposal nearly \$150,000 for surveying land on Indian reservations.

Mr. HAYDEN. Of the United States as a whole.

Mr. STAFFORD. I suppose until the reservation is open to settlement there is no pressing need of a survey of reservations?

Mr. HAYDEN. But in probably all of the Indian reservations there is a demand on the part of the Indians for allotments. A great many Indians desire to have some land of their own which they can call a home, and an early survey of the land is desired on that account.

Mr. STAFFORD. Can the gentleman give any information of a general character as to how many reservations have been completely surveyed and how many only partially surveyed?

Mr. HAYDEN. On page 5 of the hearings the gentleman will find a long list of reservations marked "opened," "partly opened," "not opened" (containing surplus areas), and so forth. If a reservation is opened it must have had a survey, and if it has been partly opened it must have been partly surveyed.

Mr. CARTER of Oklahoma. If the gentleman will permit, it is also possible for a reservation which has not been opened at all to have been surveyed.

Mr. HAYDEN. Yes; but when a reservation is opened it must have been surveyed.

Mr. CARTER of Oklahoma. The survey is the last step before the opening of the reservation.

Mr. STAFFORD. I withdraw the pro forma amendment.

Mr. ELLSWORTH. Mr. Chairman, I want to oppose the amendment and move to strike out the last word. I want to inquire of the chairman of the committee as to the nature of section 26, and I want to inquire in reference to that at this time because possibly it will save questions, from myself for one, as to the other sections in the bill preceding that. As I understand it, the \$2,325,000 provided for in section 26 is to come from funds of tribes in trust. Now, I do not understand from the reading of that whether it means to say sums, as may be required for equalization of allotments, education of Indian children, per capita and other payments to Indians, or whether it means those sums are of that nature—

Mr. CARTER of Oklahoma. Under existing law the bureau is authorized to expend money for classification and allotments and for per capita payments.

Mr. ELLSWORTH. Without any appropriation being made?

Mr. CARTER of Oklahoma. Yes.

Mr. ELLSWORTH. Out of this sum of \$2,325,000 are sums which have not been carried in bills in specific appropriations

here, but which the department already has under existing law the right to use?

Mr. CARTER of Oklahoma. If the gentleman will permit, he will note that this applies only to tribal funds which, I take it, the gentleman understands—

Mr. ELLSWORTH. I mentioned that.

Mr. CARTER of Oklahoma. Prior to last year there had been built up from the adoption of different treaties and from the adoption of different acts of Congress various standing appropriations from which the department was authorized to use certain amounts of Indian funds. After having those appropriations it was not necessary that they should come to Congress each year to get this amount specifically appropriated, and Congress has no record whatever of those amounts, has no way of knowing how much of the Indian funds they were spending under these standing appropriations.

Some two years ago the gentleman from Washington [Mr. DILL] proposed an amendment which set out that there should not be any expenditure from tribal funds in the future without a specific appropriation by Congress except for equalization, the payment of per capita, payment of schools, and so forth. Last year the department did not bring in a specific estimate, an itemized estimate, so the Indian Committee called on them for the items that had been expended under this, and then their record of the amount that had been expended and would be expended in accordance with the expenditures the year before, and so forth. Now, this year we bring in here a specific itemized statement of every dollar that is to be expended from these particular Indian funds.

Mr. ELLSWORTH. Then is the \$2,325,000 included in the estimate of the total appropriations in the bill of \$11,000,000?

Mr. CARTER of Oklahoma. No.

Mr. ELLSWORTH. It is in addition to it?

Mr. CARTER of Oklahoma. It is in addition. These are tribal funds, and the \$11,000,000 is the amount of the real tax upon the Treasury.

Mr. ELLSWORTH. This is all entirely from the trust funds of the tribes in the Treasury?

Mr. CARTER of Oklahoma. Entirely from the trust funds.

Mr. ELLSWORTH. Take, for instance, in Iowa, Sac and Fox, \$1,200 in last year's bill, was that included in any place in the bill at all?

Mr. CARTER of Oklahoma. My recollection is it was not, and while I am answering that question I will say during the time this bill was being made up I was confined to my bed—

Mr. CAMPBELL of Kansas. Last year it was not specifically itemized—

Mr. CARTER of Oklahoma. I have just answered that.

Mr. ELLSWORTH. Are there any amounts taken from specific appropriations?

Mr. CARTER of Oklahoma. If the gentleman will permit, I was confined to my room by illness and not able to be in attendance on the committee, and the other members of the committee very courteously went ahead and reported these items, so there are some items in the bill with which I am not as thoroughly familiar as the House might expect me to be.

Mr. ELLSWORTH. Does the gentleman understand that there are any of these items in section 26 or any part of any items specifically appropriated under the several States which were formerly included that by reason of being included in this bill at this place would in any way decrease the amounts that had been included in other bills under other sections?

Mr. CARTER of Oklahoma. No.

Mr. ELLSWORTH. There are none?

Mr. CARTER of Oklahoma. No.

Mr. ELLSWORTH. All of this amount, then, is in addition to what has been included in sections of former bills?

Mr. CARTER of Oklahoma. Yes; but which should have been spent under standing appropriations.

Mr. ELLSWORTH. But without requiring special authority—

Mr. CARTER of Oklahoma. Without specific annual authority by Congress.

The Clerk read as follows:

For the construction, repair, and maintenance of irrigation systems, and for purchase or rental of irrigation tools and appliances, water rights, ditches, and lands necessary for irrigation purposes for Indian reservations and allotments; for operation of irrigation systems or appurtenances thereto, when no other funds are applicable or available for the purpose; for drainage and protection of irrigable lands from damage by floods or loss of water rights, upon the Indian irrigation projects named below.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Will some member of the committee advise us what policy has been pursued in making appropriations for the respective paragraphs which appear on pages 3, 4, and 5, as carried under this general heading?

Mr. HAYDEN. Prior to a year ago this irrigation appropriation was carried in a lump sum of about a quarter of a million dollars. The committee concluded that these projects should be specifically set out, so in the estimate this year the various projects were itemized and then arranged separately in the hearings.

Mr. STAFFORD. And the committee has allowed all the projects that were recommended by the bureau?

Mr. HAYDEN. Yes, sir. You will find on pages 8 to 13 of the hearings a detailed statement relating to these projects—where they are located, and so forth.

The Clerk read as follows:

In all, for irrigation on Indian reservations, \$268,050, reimbursable as provided in the act of August 1, 1914: *Provided*, That no part of this appropriation shall be expended on any irrigation system or reclamation project for which public funds are or may be otherwise available: *Provided further*, That the foregoing amounts appropriated for such purposes shall be available interchangeably in the discretion of the Secretary of the Interior for the necessary expenditures for damage by floods and other unforeseen exigencies: *Provided, however*, That the amount so interchanged shall not exceed in the aggregate 10 per cent of all the amounts so appropriated.

Mr. ELLSWORTH. Mr. Chairman, I move to strike out the last word. In the bill for the fiscal year 1918 these items were carried and the amount—\$244,700—was carried in one provision without specification of the different projects on which they are to be used. In this bill the projects are specified, and of the total amount carried—\$268,050—I find that approximately \$89,500 are for the items for necessary miscellaneous expenses incident to the general administration of Indian irrigation projects, including salaries, and not including supervising engineers, whereas the remaining amount carried in this bill is for construction, repair, maintenance, and so forth. Will the chairman or some other member of the committee tell me what the idea is for the segregation of the items in the bill at this time?

Mr. HAYDEN. The idea is that the committee wanted information so that they might look into the merits of these various Indian projects, and in case there were any of them where a good explanation could not be made for the expenditure of the money, they might be disallowed. It is only by having the bill submitted in this shape, by having a justification for each individual item, that it is possible for the committee to keep any kind of a check upon such expenditures.

Mr. CAMPBELL of Kansas. Will the gentleman permit me?

Mr. HAYDEN. Certainly.

Mr. CAMPBELL of Kansas. Is it not a fact that these items, specified as they are in this bill, has enabled the gentleman from Minnesota [Mr. ELLSWORTH] to ask these questions as to how much of this will be used for irrigation charges and how much for overhead charges and for other expenses by the Bureau of Indian Affairs? Otherwise nobody would have known how much of it would be used for irrigation purposes and for other expenses.

Mr. HAYDEN. But with a lump-sum appropriation salaries may be increased or decreased, but here we have appropriated specifically for a certain number of persons at certain salaries.

Mr. ELLSWORTH. I am glad the gentleman from Kansas suggested that these specific items for which we appropriate in this bill enable one to understand for what purpose they are being used. The thought occurs to me that possibly where a certain amount being for an Oregon project, or a southern Idaho project, or Nevada or Utah project, where it specifies a certain amount for administration expenses, instead of this having a tendency to cause an elimination of some of the administrative expenses, where it might otherwise do so, they would be transferred from one to another to keep the work going on, and it might have a tendency to have the administration expenses go up to the amount which is specifically provided for in the law, and it might possibly increase the administrative expenses over the proportion of expenditures of the actual work on the irrigation projects.

Mr. HAYDEN. I hardly think that is possible, because we segregate the construction from the salaries and expenses in the various irrigation districts. As far as the overhead is concerned, most of it is appropriated for in one place.

Mr. ELLSWORTH. Just for that very same reason—if, for instance, an item for the overhead expenses and administrative expenses were all included in one, if it were seen there was a thousand dollars left for administrative expenses and, say, about \$500 for actual work, which might be a fair proportion in some cases, if there were not two distinct appropriations separating the amount paid for administrative work from the amount for actual work, there might be more work.

Mr. HAYDEN. The total sum appropriated here is not large enough to encourage waste. And we allow the Indian irriga-

tion service some leeway by permitting the transfer of 10 per cent of the total amount from one project to another in case of an emergency.

Mr. ELLSWORTH. The question is whether or not the proportion appropriated in this bill for various projects for administrative expenses is really out of proportion to the amount appropriated for irrigation work.

The CHAIRMAN. The time of the gentleman has expired.

The Clerk read as follows:

SUPPRESSING LIQUOR TRAFFIC.

For the suppression of the traffic in intoxicating liquors among Indians, \$125,000: *Provided*, That on and after July 1, 1919, possession by a person of intoxicating liquors in the Indian country or where the introduction is or was prohibited by treaty or Federal statute shall be an offense and punished in accordance with the provisions of the acts of July 23, 1892 (27 Stat. L., p. 260), and January 30, 1897 (29 Stat. L., p. 506).

Mr. KNUTSON. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Minnesota moves to strike out the last word.

Mr. KNUTSON. Mr. Chairman, I wish to ask the chairman of the committee, or some member of the Committee on Indian Affairs, whether or not the treaties made with Indians provide for this expenditure of \$125,000? Does this come out of tribal funds?

Mr. CARTER of Oklahoma. No. This is a gratuity. No treaty requires it.

Mr. KNUTSON. This comes out of the Treasury of the United States?

Mr. CARTER of Oklahoma. It comes out of the Treasury of the United States.

Mr. KNUTSON. Mr. Chairman, I withdraw my pro forma amendment.

Mr. ELLSWORTH. Mr. Chairman, I notice that one year ago, for the purpose of the suppression of the liquor traffic among the Indians, this bill carried \$150,000. A year ago the different legislatures in the different States were then in process of voting upon the question of whether or not the Nation should be dry territory. Before this bill was reported into the House the number of States required by the Constitution for ratification of the amendment submitted to the States had ratified the constitutional prohibition amendment, which, long before the time in which this appropriation ought to be used expires, will make the United States entirely dry territory.

Mr. HAYDEN. Mr. Chairman, will the gentleman yield?

Mr. ELLSWORTH. In a moment. I understand it is not compulsory upon the department to use all of this money, but it seems to me it is a sad commentary upon our action in the House here, in view of liquor legislation in the country and liquor legislation that we shall be called upon to enact here in the future for the suppression of the liquor traffic—it seems to me it is a rather sad commentary to say that with the conditions changing as they have been in the last year the reduction is only from \$150,000 to \$125,000.

Mr. HAYDEN. That matter was thoroughly discussed in the committee, and the committee realized that, so far as the constitutional prohibition amendment is concerned, it will not go into effect until a year from now. In the meantime it will be necessary for Congress to pass legislation to enforce it. This Indian appropriation bill goes into effect on the 1st of July, 1919, and we wanted to be sure that the Indians would be protected from the sale of intoxicating liquors until the Nation becomes "bone dry."

Mr. ELLSWORTH. I understand that about one-half of all the Indians are in the State of Oklahoma. Is not that true?

Mr. HASTINGS. About a third.

Mr. ELLSWORTH. That State is dry?

Mr. HASTINGS. It always has been; that is, the eastern part. The Indian Territory was always dry. Oklahoma has been dry since Statehood.

Mr. KNUTSON. Is old Oklahoma the Indian Territory?

Mr. HASTINGS. Yes.

Mr. GOOD. Mr. Chairman, I would like to inquire whether Oklahoma is only dry so far as the statutes are concerned or dry in fact?

Mr. STAFFORD. It is like Iowa. It has oases in desert places that are dry. [Laughter.]

Mr. GOOD. Iowa has not always been dry. The gentleman from Oklahoma says Oklahoma is always dry. I remember traveling across the country at a not far distant time, and I traveled through Oklahoma, and I saw gentlemen on the train that did not give evidence that they had always been dry, or that they were dry at that time. [Laughter.]

Mr. CARTER of Oklahoma. As a good citizen, why did not the gentleman give evidence to the court?

Mr. GOOD. I was on the train. I did not want to get into court. [Laughter.]

Mr. STAFFORD. He was desirous of getting out of dry territory into wet. [Laughter.]

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

RELIEVING DISTRESS, AND SO FORTH.

For the relief and care of destitute Indians not otherwise provided for, and for the prevention and treatment of tuberculosis, trachoma, smallpox, and other contagious and infectious diseases, including transportation of patients to and from hospitals and sanatoria, \$375,000: *Provided*, That not to exceed \$45,000 of said amount may be expended in the construction and equipment of new hospitals at a unit cost of not exceeding \$15,000: *Provided further*, That this appropriation may be used also for general medical and surgical treatment of Indians, including the maintenance and operation of general hospitals, where no other funds are applicable or available for that purpose: *Provided further*, That out of the appropriation herein authorized there shall be available for the maintenance of the sanatoria and hospitals hereinafter named, and for incidental and all other expenses for their proper conduct and management, including pay of employees, repairs, equipment, and improvements, not to exceed the following amounts: Blackfeet Hospital, Montana, \$12,500; Carson Hospital, Nevada, \$10,000; Cheyenne and Arapahoe Hospital, Oklahoma, \$10,000; Choctaw and Chickasaw Hospital, Oklahoma, \$35,000; Fort Lapwai Sanatorium, Idaho, \$40,000; Laguna Sanatorium, New Mexico, \$17,000; Mesalero Hospital, New Mexico, \$10,000; Navajo Sanatorium, Arizona, \$10,000; Pima Hospital, Arizona, \$10,000; Phoenix Sanatorium, Arizona, \$40,000; Spokane Hospital, Washington, \$10,000; Sac and Fox Sanatorium, Iowa, \$25,000; Turtle Mountain Hospital, North Dakota, \$10,000; Winnebago Hospital, Nebraska, \$15,000; Crow Creek Hospital, South Dakota, \$10,000; Hoopa Valley Hospital, California, \$10,000; Jicarilla Hospital, New Mexico, \$10,000; Truxton Canyon camp hospital, Arizona, \$10,000; Indian Oasis Hospital, Arizona, \$10,000.

Mr. KNUTSON. Mr. Chairman, I would like to ask some member of the committee why no provision is made for hospitals among the Minnesota Indians? I realize that Minnesota is a very healthy State; in fact, one of the most healthy States in the Union; but it would seem that the Indians of our State would be subject to little ailments as they are in other parts of the country. I would like to know what provision is made to take care of sick Indians in Minnesota and the Northwest. I fail to find any items here in this bill.

Mr. CARTER of Oklahoma. They have their hospitals. The sick Indians of Minnesota are taken care of now, as a great many Indians are taken care of in Oklahoma, out of tribal funds.

Mr. KNUTSON. Why should we differentiate between the various tribes? They are using the tribal funds of the Chippewa Indians for every conceivable purpose. They tack every man possible onto the pay rolls where the money comes out of the tribal funds of the Chippewas. They do not get a thing out of the Government. If we are to have a free-for-all grab bag here, I would like to have the Chippewas put onto it. Here is an item of \$375,000, and the Chippewas are not mentioned in it at all. Other sections of the country are mentioned—Arizona, New Mexico, Iowa, Washington, North Dakota—but not Minnesota. Were any hearings had upon the situation with reference to Minnesota?

Mr. CARTER of Oklahoma. There was no proposal. It has not been the policy of the Committee on Indian Affairs to invite an estimate for the expenditure of money at any place that the department does not propose, and the department proposes nothing for Minnesota. Therefore the committee had the right to assume that the State of Minnesota was being taken care of without any further expenditure from the Federal Treasury.

Mr. KNUTSON. I do not see why the Chippewas of Minnesota should be compelled to pay for their hospital treatment out of tribal funds when such is not the case in other sections of the West.

Mr. CARTER of Oklahoma. If it were "a grab bag," as the gentleman from Minnesota says, that would be true; but on that hypothesis I do not see why the Five Civilized Tribes in Oklahoma have to pay practically all their own educational expenses while other tribes of Indians get theirs free. But back in 1886 an act of Congress was passed giving the Secretary of the Interior the right to say that the education of the tribes should be conducted at the expense of the tribes. In 1889, I believe, a treaty was made with reference to what should be done with the educational funds of the tribes. The department is pursuing the directions of that treaty, and the Committee on Indian Affairs has gone into the matter as thoroughly as it could here in Washington, but it has not been able to determine just whether the provisions of the treaty are being complied with, and probably it may not be able to determine such facts until some investigation is made by the Committee on Indian Affairs on the ground.

Mr. KNUTSON. Does not the gentleman think a uniform rule should be established in cases of this kind?

Mr. CARTER of Oklahoma. No; you could not do that, because in some cases the Indians have no funds at all, although they are just as much entitled to the consideration of this Government as are the Indians who have funds, because perhaps at an earlier day those Indians owned valuable lands which the Government permitted to be taken away from them by the white settlers of those States, and if so, certainly the Federal Government has a moral obligation to discharge with respect to them, the same as it has in discharging it toward Indians who have tribal funds to their credit.

Mr. KNUTSON. I maintain that the Government owes a moral obligation to the Chippewa Indians.

Mr. CARTER of Oklahoma. Perhaps so. I will not dispute with the gentleman about that, because I do not think there is a man on the floor of the House, I do not think there is a Member of Congress, who knows enough about the Chippewa situation to say exactly whether we are doing the right or the wrong thing in this bill.

Mr. KNUTSON. Does not the gentleman think a thorough investigation should be made of the Chippewa situation by a committee of this House?

Mr. CARTER of Oklahoma. A few moments ago I expressed myself in favor of that as strongly as I could, and said I did not think any equitable and fair settlement of this matter can be made until an investigation is provided and a committee authorized to go and look into the matter upon the ground, and for that reason we have placed the last section in this bill, providing for an investigation.

Mr. KNUTSON. I sincerely hope that will remain in the bill.

Mr. GARD. Will the gentleman yield?

Mr. CARTER of Oklahoma. I yield to the gentleman.

Mr. GARD. I want to inquire whether these hospitals, aggregating \$375,000, are exclusively for the benefit of the Indians, or are there hospitals to which this Indian fund applies that admit other people?

Mr. CARTER of Oklahoma. They are exclusively for Indians.

Mr. GARD. No other persons except Indians?

Mr. CARTER of Oklahoma. No. No other person is admitted to an Indian hospital or to an Indian school, as a rule; although I think in some places they do permit a few white children to come into Indian schools on payment of tuition.

Mr. ADOLPHUS P. NELSON. In regard to the inquiry that my colleague [Mr. Knutson] made, would this same investigation apply to the Chippewas in Wisconsin as well?

Mr. CARTER of Oklahoma. That was put in for the purpose of taking care of that particular situation and some others, and I hope that the gentleman will see the necessity for this thing, and the inadvisability of making a point of order against it. It is subject to a point of order if made.

Mr. CAMPBELL of Kansas. Just a word upon these hospital items. They are for the benefit of all Indians. If, for instance, there are Chippewa Indians who are sick with tuberculosis, they may be taken to the tuberculosis hospital at the Sac and Fox Reservation located in Iowa, but which is for the benefit of any Indian who may have tuberculosis, whether he comes from Minnesota, from Wisconsin, from Oklahoma, or any other place. And so of other hospitals for like purposes provided for in these items.

Mr. KNUTSON. Do I understand, from the gentleman's remarks, that these are general hospitals open to anyone?

Mr. CAMPBELL of Kansas. Open to the Indians who are provided for by the Government.

The CHAIRMAN. Without objection, the Clerk will read.

The Clerk read as follows:

SUPPORT OF INDIAN SCHOOLS.

For support of Indian day and industrial schools not otherwise provided for, for other educational and industrial purposes in connection therewith, \$1,750,000: *Provided*, That not to exceed \$40,000 of this amount may be used for the support and education of deaf and dumb or blind Indian children: *Provided further*, That not more than \$200,000 of the amount herein appropriated may be expended for the tuition of Indian children enrolled in the public schools: *And provided further*, That no part of this appropriation shall be used for the support of Indian day and industrial schools where specific appropriation is made.

Mr. ELLSWORTH. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amendment offered by Mr. ELLSWORTH: Page 7, line 22, after the colon insert: "*Provided further*, That no part of this appropriation, or any other appropriation provided for herein, except appropriations made pursuant to treaties, shall be used to educate children of less than one-fourth Indian blood whose parents are citizens of the United States and of the State wherein they live and where there are adequate free school facilities provided and the facilities of the Indian schools are needed for pupils of more than one-fourth Indian blood."

Mr. STAFFORD. I reserve a point of order on that amendment.

Mr. CARTER of Oklahoma. The gentleman is repeating existing law.

Mr. STAFFORD. I was going to call attention to the fact that this was made permanent law in the 1918 bill.

Mr. ELLSWORTH. I did not know whether it was or not. I observed that in the 1918 bill this language was included and in this bill it was not included. The present bill appropriates \$1,750,000, while the bill of two years ago appropriated \$1,550,000.

Mr. CARTER of Oklahoma. If the gentleman will look at the bill that he is reading from, he will find that it says "hereafter," which makes it permanent law.

Mr. ELLSWORTH. I had overlooked that. I withdraw the proposed amendment and offer to amend by striking out on page 7, line 16, the figures "\$1,750,000" and inserting in lieu thereof the figures "\$1,550,000."

The CHAIRMAN. Without objection, the former amendment will be withdrawn, and the Clerk will report the amendment now proposed by the gentleman.

The Clerk read as follows:

Amendment offered by Mr. ELLSWORTH: Page 7, line 16, strike out "\$1,750,000" and insert "\$1,550,000."

Mr. ELLSWORTH. I offer that amendment because I think there is a growing tendency in the Indian Bureau to reach out through their agents and inspectors in communities where Indian schools are maintained, especially day schools, and where Indian pupils have matriculated in the public day schools, in some instances going 15, 20, or 30 miles and taking Indian children who ought to be in the public schools. I do not know whether there is any ulterior motive for it on the part of the bureau; but in the future, as restrictions are removed and Indian funds are distributed per capita, where the competency commission which is now determining the competency of Indians finally removes the restrictions, the expenditures to be made through the Indian Bureau will become so lessened that the Indian Bureau employees, inspectors, agents, and so forth, will not have sufficient work to do to maintain the positions that they now have at the salaries that they now receive. This being so, I think there is, unconsciously, perhaps, a tendency on the part of the bureau to reach out and build up the schools, and use the schools as a sort of a black man Friday to keep expending on to maintain the Indian Bureau service. And because the matter of education always strikes the heart of everyone interested in the Indian subject, either here or outside of this body, it can always be used as a good excuse why the bureau should reach out here and there and take in different children and bring them out of the public schools into the Indian schools.

It is this civilizing influence that we want, to keep the Indian children in the public schools intermingled with the children of the white schools, and in every community where it has been done the Indian has made his greatest progress.

But aside from that I believe that \$1,550,000 will give as much school service and will have a tendency toward stopping interference with Indian children going to the public schools.

Mr. TILLMAN. Mr. Chairman, last year there was appropriated \$1,650,000 for the Indian schools. The solution of the Indian question is in education. Liquor should be kept from the Indian, and he ought to be educated industrially and otherwise. Supplies are much more expensive than a few years ago, and the bureau and the committee ask for only \$100,000 in addition to what was appropriated last year, a very modest sum.

Mr. Meritt, the efficient deputy commissioner, testified that because of the advance in the cost of supplies these schools can not be carried forward properly without this additional appropriation. The Indian Bureau, as well as the committee, is very anxious to economize and cut down expenses. We cut by \$25,000 the appropriation for the suppression of intoxicating liquors, and we have added \$100,000 for the conduct of these schools. The item does not carry any appropriation for teachers' salaries, but is expended solely for the immediate extra cost and additional requirements.

Mr. HASTINGS. Will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. HASTINGS. The Assistant Commissioner of Indian Affairs stated positively that this was not to provide for increased salaries, but that the increase was asked for solely on account of the increased cost of supplies.

Mr. TILLMAN. I have so stated.

Mr. CAMPBELL of Kansas. Will the gentleman allow me to ask him a question?

Mr. TILLMAN. Certainly.

Mr. CAMPBELL of Kansas. I want to ask if the cost of supplies during the fiscal year should come down, would this item show a balance at the end of the fiscal year?

Mr. TILLMAN. Yes.

Mr. SNYDER. If the gentleman will permit, I would like to say that in considering this item we took into consideration the possible increase in the period we are legislating for, and only allowed about one-half of what we actually thought the department ought to have under this item in case the cost should remain the same as it is to-day; that is, if prices should keep up. But we believe that during the period we are legislating for the cost will go down to such an extent that the amount we gave would compensate for the increase of cost over that period.

Mr. STAFFORD. Will the gentleman yield?

Mr. TILLMAN. Yes.

Mr. STAFFORD. How many schools does this contemplate caring for?

Mr. TILLMAN (reading)—

The amount requested, \$1,750,000, is \$100,000 more than the amount in the 1919 act. The fund is required for support and education of Indian children in all schools for which no specific appropriation is made or use of tribal funds authorized, including day schools and public schools where tuition is paid. Forty thousand dollars of this amount is requested for payment of expenses in connection with the education of deaf or blind Indian children. Defective children who are unfitted for attendance at schools for normal children are being placed in institutions suited to their needs as rapidly as accommodations can be found for them.

From reports for the school year 1918 it is found that there are, in all, 90,555 Indian children of school age, of whom 4,881 are ineligible for school attendance, leaving 85,674 to be provided for in Government, public, or private schools.

The following enrollment is shown: In Government boarding schools, 10,842; in nonreservation boarding schools, 11,464; in Government day schools, 6,215; making a total of 28,521 enrolled in Government schools. There are also enrolled in private and mission schools 5,459, and in public schools 29,496, so far as information has been received. This makes a total of 63,476 Indian children in all schools of whatsoever character.

I will state that frequently where it is convenient the Indians attend the public schools, and a sum of money is appropriated for the purpose of paying a portion of their tuition in these schools.

Mr. STAFFORD. This paragraph carries an appropriation as in the act of last year of \$200,000, which may be made available for that purpose.

Mr. TILLMAN. For what purpose?

Mr. STAFFORD. For educating the Indians attending the public schools, but my inquiry was directed to the specific information as to the number of schools that receive support out of this appropriation; not the number of Indians that are being supported at Government boarding schools and Government day schools, but the number of schools that were receiving support from this appropriation other than those specifically provided for later on in the bill.

Mr. TILLMAN. The hearings do not disclose the number of schools, but simply the number of pupils.

Mr. STAFFORD. Can the gentleman furnish the information as to how many schools receive the benefit of the appropriation of \$200,000 where the Indian children are enrolled in the public schools?

Mr. TILLMAN. Twenty-nine thousand four hundred and ninety-six Indian pupils are thus educated.

Mr. STAFFORD. The gentleman is giving the number of children but not the number of schools. I am asking for the number of schools receiving support.

Mr. TILLMAN. As I stated before, the record does not disclose the number of schools.

Mr. STAFFORD. Can the chairman of the committee furnish information as to whether the \$200,000 fund is used only in certain sections of the country, or is it disbursed wherever Indian children are attending public schools?

Mr. CARTER of Oklahoma. It is distributed wherever the Indian children attend public schools proportionately, as I understand from the bureau, with the exception of eastern Oklahoma. The gentleman knows that we carry here an appropriation for the Indian children attending public schools in Oklahoma. That appropriation was \$300,000, cut down to \$275,000. Last year in the committee on conference I agreed that now, since some of the lands are being sold and the Indian lands were becoming taxable, it would be a good idea to gradually reduce that amount. So we reduced it \$25,000 last year and have agreed to reduce it that amount, \$25,000, every year until the amount is entirely eliminated. This money is expended in every State—I should say in many of the States, not in every State, because sometimes there are only a few Indians, but in every State where there is a considerable number of Indians this money is expended in public schools, with the exception of the eastern part of Oklahoma.

Mr. STAFFORD. Then I understand that these children, in order for the schools to be entitled to this fund, must be children of Indians who are not citizens?

Mr. CARTER of Oklahoma. No; the gentleman probably gets that impression because of my referring to eastern Oklahoma. No; even children who are citizens, if they are less than a certain degree of blood, could in some States have their tuition paid from this fund, because there is such a thing as an Indian not being a citizen and still having his land restricted and not subject to taxation.

Mr. STAFFORD. Then is that the reason why you make a specific provision later on in the bill allowing the fund that last year for the first time was voted for the support of the Mississippi Choctaws to be used for the support of children in the public schools?

Mr. CARTER of Oklahoma. I do not recall just what the Mississippi Choctaw proposition says.

Mr. STAFFORD. There is new language in this bill, as follows, on page 28:

Sec. 9. That the unexpended balance of the appropriation of \$75,000 for the full-blood Choctaw Indians of Mississippi in the Indian appropriation act of May 25, 1918, is hereby reappropriated for the same purposes for which originally appropriated and for aiding the common schools attended by the children of said Indians under rules and regulations prescribed by the Secretary of the Interior.

The new language is "and for aiding the common schools attended by the children of said Indians under rules and regulations prescribed by the Secretary of the Interior."

Mr. CARTER of Oklahoma. In the past the Mississippi Choctaw children have not been permitted to attend any of the schools except the schools that were established by the State of Mississippi for them. So I assume that this is to aid those schools that have already been established by the State of Mississippi for the Mississippi Choctaws.

Mr. STAFFORD. Getting back to the original proposition, Is there any certain amount that the Bureau of Indian Affairs grants to the public schools, based upon a per capita allowance for each pupil?

Mr. CARTER of Oklahoma. All is based on a per capita allowance. I do not know what it is now. It was 10 cents a day up until this year, but I have not looked through the hearings to find out what it is now.

The CHAIRMAN. The time of the gentleman from Wisconsin has expired. The question is on the amendment of the gentleman from Minnesota.

The amendment was rejected.

The Clerk read as follows:

INDIAN SCHOOL AND AGENCY BUILDINGS.

For construction, lease, purchase, repair, and improvement of school and agency buildings, and bridges, including the purchase of necessary lands and the installation, repair, and improvement of heating, lighting, power, and sewerage and water systems in connection therewith, \$350,000: *Provided*, That this appropriation shall be available for the payment of salaries and expenses of persons employed in the supervision of construction or repair work of bridges and on school and agency buildings in the Indian Service: *Provided further*, That the Secretary of the Interior is authorized to allow employees in the Indian Service who are furnished quarters, necessary heat and light for such quarters without charge, such heat and light to be paid for out of the fund chargeable with the cost of heating and lighting other buildings at the same place: *And provided further*, That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees prescribed by section 1, act of August 24, 1912.

Mr. MILLER of Minnesota. Mr. Chairman, I reserve the point of order on the three provisos and would like to ask the chairman of the committee a question. In what places and in connection with which schools is it proposed that this \$350,000 shall be used? Which schools are to benefit by this \$350,000?

Mr. CARTER of Oklahoma. All schools where there is a need for an Indian school and agency buildings.

Mr. MILLER of Minnesota. In nearly every instance the committee always has—and I think it does in this case—carried a specific appropriation for buildings and upkeep and repairs for each individual school, as the school is reached and provided for.

Mr. CARTER of Oklahoma. If the gentleman will permit, this provides for reservation schools. We only appropriate specifically for the nonreservation schools.

Mr. MILLER of Minnesota. That is probably the general policy; but it is not quite true. There are some nonreservation schools so provided for specifically in the bill.

Mr. CARTER of Oklahoma. All of the nonreservation schools are provided for specifically; but the so-called reservation school is not provided for but is taken care of in these general items.

Mr. MILLER of Minnesota. That explains it.

Mr. HAYDEN. If the gentleman will yield, the hearings show that the total value of buildings at these reservation schools is \$7,500,000. This request for \$350,000 for the upkeep of the buildings would amount to 4½ per cent of the present value of the property, which is a fair amount for maintenance and upkeep of buildings of that value.

Mr. MILLER of Minnesota. This does not seem to me to be too much. I want to direct attention to one school that I am somewhat personally interested in. The Indian school at Tower, Minn., is never appropriated for specifically in the bill. The upkeep of the school is provided for from some other source. I think they take it out of the revenues that come to the Indians of Minnesota themselves, and I know of one or two other places. The department one year sort of makes up its mind it will perhaps discontinue the school and next year it makes up its mind that it will continue it and enlarge it, and then the next year it changes its mind a little on that. Many of these buildings have gotten into a bad state of repair at this school as well as at some other places. Is there any provision made in the Indian Office for an investigation of these various schools to determine which ones shall be retained and what it is necessary to do to put them in proper condition?

Mr. CARTER of Oklahoma. Does the gentleman mean by the bureau itself?

Mr. MILLER of Minnesota. Yes.

Mr. CARTER of Oklahoma. They have what they call, as I presume the gentleman knows, supervisors of education, who with their other duties have this duty imposed upon them.

Mr. MILLER of Minnesota. I am sure that it is the purpose of the committee, and a splendid one, that wherever a school is to be maintained it ought to be maintained in a reasonably good and sanitary condition.

Some very serious complaints have come, as the gentleman well knows, in the past of the insanitary and unhealthy condition which prevails in some of these schools. I think that condition still exists to a considerable extent. I was in hopes this fund might be used by the Indian Bureau in eliminating those things. They do not seem to be doing it, though.

Mr. CARTER of Oklahoma. Funds which are used for the supervisors can be used for that purpose. I repeat the statement I made a few moments ago, that what is really needed is an investigation of the schools and other branches of the Indian Service not by the bureau itself but by the Congress—by the House of Representatives.

Mr. MILLER of Minnesota. There is not any doubt at all in my mind that is true, and I sincerely hope the House will grant authority for the Indian Committee to make this investigation.

Mr. CARTER of Oklahoma. I will say we have a provision in this bill for an investigation by members of the present House Committee on Indian Affairs who have been elected to the next Congress, and if no point of order is made against that section we will probably be able during the next summer, unless we have an extra session of Congress, to look into a great many Indian matters and perhaps bring back some valuable information to the Congress.

Mr. MILLER of Minnesota. Can the gentleman assure the committee that this is the policy of the Indian Office and of his committee—to get Indian children into white schools as far as possible—if that is the policy which they have?

Mr. CARTER of Oklahoma. That certainly is the policy of the Committee on Indian Affairs.

Mr. MILLER of Minnesota. I think it is a most commendable policy and one that ought to be prosecuted with the utmost vigor. This differentiation in localities between Indian children and white children is a damnable difference and a serious discredit to both races, and I think retards the development of the Indians to have the community look upon them as something separate and apart from the white people of the community. Now, is the Indian Office carrying out this policy?

Mr. CARTER of Oklahoma. Well, that is one of the things we want to investigate. I could not tell the gentleman. The bureau claims it is. We have not any first-hand information on the subject.

Mr. MILLER of Minnesota. I would be in favor of increasing the previous sum of a million and three-quarters and increasing this item to a reasonable sum just to enable the department to carry out that program in every State in the Union where Indians are to be found, especially where they are mixed blood.

Mr. CARTER of Oklahoma. Well, the gentleman knows that as the Indians are placed in white men's schools just to that extent will the Indian problem be solved and to that extent will the bureau be relieved of supervision of the Indian, and, without attempting to reflect upon the head of the bureau or anyone else, the gentleman knows as well as I do that the establishment of a man's full citizenship and taking him out from under the supervision of the Indian Bureau actually means a decrease of that bureau, so we are calling upon the Indian Bureau to do the abnormal thing—to eliminate themselves.

Mr. MILLER of Minnesota. It may be abnormal, but it might be recommended.

Mr. CARTER of Oklahoma. Recommended, but perhaps not accomplished.

The CHAIRMAN. Does the gentleman insist upon the point of order?

Mr. MILLER of Minnesota. I would like to make one further inquiry. I think the gentleman should explain the last proviso and let us know exactly what it means. I was in doubt at first:

That the amount so expended for agency purposes shall not be included in the maximum amounts for compensation of employees described in section 1, act of August 24, 1912.

Mr. SNYDER. The only change from this item of last year, if the gentleman pleases, is the extension of the limitation by adding the words "and bridges." It may refer to that. The bureau claimed that this item was so limited that they were unable out of this money to fix a bridge, so we, as the gentleman will see, page 8, line 2, added after "buildings" the words "and bridges."

Mr. MILLER of Minnesota. It is also added in line 9.

Mr. SNYDER. I was myself disposed to keep the limitation just as the clause is, and it was my belief that this appropriation was sufficient to do all the work that is necessary to do under this heading, provided the work was efficiently and well done.

Mr. STAFFORD. Will the gentleman yield in that particular? Heretofore if the bureau wished to erect a bridge on an Indian reservation it had to come to the Congress for specific authority. There are numerous instances in the bill reported to the House of provisions for the building of bridges on reservations which are to be paid out of the tribal funds. Now, under the authority you carry in the bill there may be constructed bridges out of the \$350,000 without requiring—

Mr. SNYDER. No.

Mr. STAFFORD (continuing). Them to be reimbursed from the tribal funds.

Mr. SNYDER. No; it does not contemplate any such thing.

Mr. STAFFORD. It may not be contemplated, but I contend that it does not grant authority to do that.

Mr. SNYDER. I was not intended to grant any such authority. It was the intention of the committee to grant authority to repair bridges.

Mr. STAFFORD. If it was only intended to grant authority to repair bridges, I respectfully submit that the language in line 9 is adequate to meet that condition, and the words "and bridges" in line 3 should be eliminated.

Mr. MILLER of Minnesota. The words "and bridges" in line 3 are in connection with schools, and it would authorize the construction of a bridge—

Mr. SNYDER. Nothing of the sort.

Mr. MILLER of Minnesota. For ordinary purposes?

Mr. STAFFORD. I can not agree with the construction of the committee, and I respectfully submit that that is an erroneous construction.

Mr. MILLER of Minnesota. I read it two or three times, and when I first read it I had somewhat the same idea of the gentleman, but in reading it later I believe the reasonable construction is that it is simply authority to repair and this is a provision in connection with schools.

Mr. STAFFORD. Here we have authority for the construction of agency buildings. These agency buildings do not have to be connected with school buildings.

Mr. MILLER of Minnesota. I did not quite state it fully. I accept the correction—"schools and agencies."

Mr. HASTINGS. Why not knock out "and bridges," in line 3?

Mr. STAFFORD. I made the point of order for that purpose. I have no objection to the repair of bridges. If the chairman of the committee has no objection, I make the point of order to the words "and bridges," in line 3.

Mr. CARTER of Oklahoma. That is satisfactory.

Mr. MILLER of Minnesota. Mr. Chairman, I withdraw the point of order.

The CHAIRMAN. The gentleman from Minnesota withdraws the point of order, and the gentleman from Wisconsin [Mr. STAFFORD] makes the point of order against the words "and bridges," in line 3. The point of order is sustained. The Clerk will read.

Mr. CAMPBELL of Kansas. Just a moment. That does not refer to "and bridges" in line 9?

Mr. STAFFORD. Only in line 3.

The Clerk read as follows:

That hereafter, except for pay of superintendents and for transportation of goods and supplies and transportation of pupils, not more than \$225 shall be expended from appropriations made in this act, or any other act, for the annual support and education of any one pupil in any Indian school, unless the attendance in any school shall be less

than 200 pupils, in which case the Secretary of the Interior may authorize a per capita expenditure of not to exceed \$250: *Provided*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average attendance for the entire fiscal year and not any fractional part thereof: *Provided further*, That all moneys appropriated for school purposes among the Indians for the fiscal year ending June 30, 1919, may be expended, without restriction as to per capita expenditure, for the annual support and education of any one pupil in any school.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. SNYDER. I would like to make a statement in reference to this last paragraph.

Mr. STAFFORD. I reserve the point of order for the purpose of explanation.

Mr. SNYDER. The committee saw fit to put in this reservation here on account of the fact that there has been a great deal of sickness on the various reservations, due to influenza, and so on, and the expense has considerably increased, and since we have adopted the plan in this bill elsewhere of making appropriations available only in the year which we are appropriating for, we thought that under the existing circumstances and the emergency it was not wise to put on a limitation for the balance of the year.

Mr. HASTINGS. If the gentleman will permit me, it could not be greatly abused, because this bill will not likely become a law before the 4th of March, and there would be only three months remaining until June 30. And the Commissioner of Indian Affairs and the representatives of schools everywhere say that these Indian schools must stop unless there is some such provision placed either in this or some other law, and the cost in the schools has gone up, because of influenza and for other reasons, during the present year.

Mr. STAFFORD. This is a relief measure to meet exigent conditions due to the influenza?

Mr. SNYDER. The gentleman is right.

Mr. STAFFORD. What limitation is lifted by this proviso?

Mr. SNYDER. Of course, the appropriation made for this school is based on a certain limit of \$200 to \$225. The limitation is that.

Mr. STAFFORD. The available remaining appropriation for the respective schools will now be for the remainder of the fiscal year for the support of those schools, regardless of per capita enrollment?

Mr. SNYDER. That is true.

Mr. STAFFORD. I withdraw the reservation of the point of order.

The Clerk read as follows:

GENERAL EXPENSES OF INDIAN SERVICE.

For pay of special agents, at \$2,000 per annum; for traveling and incidental expenses of such special agents, including sleeping-car fare, and a per diem of not to exceed \$3.50 in lieu of subsistence, in the discretion of the Secretary of the Interior, when actually employed on duty in the field or ordered to the seat of government; for transportation and incidental expenses of officers and clerks of the Office of Indian Affairs when traveling on official duty; for pay of employees not otherwise provided for; and for other necessary expenses of the Indian Service for which no other appropriation is available, \$135,000: *Provided*, That \$15,000 of this appropriation shall be used for continuing the work of the Competency Commission to the Five Civilized Tribes in Oklahoma.

Mr. ELLSWORTH. Mr. Chairman, I move to strike out the last word. I understand that in the bill providing for the expenses for the fiscal year 1914 the amount carried in this item was \$105,000 and for 1913 it was \$125,000. I think the chairman of the committee stated a year ago when this bill was up that there were three competency commissions in Oklahoma.

Mr. CARTER of Oklahoma. Two, I think it was, at one place.

Mr. ELLSWORTH. Three individuals on each commission?

Mr. CARTER of Oklahoma. Three individuals on each commission and two commissions at one place. If the gentleman will permit, I have just been advised by a Member of Congress that there were two commissions that came into a certain town in Oklahoma at the same time to do the same work—two competency commissions.

Mr. ELLSWORTH. How many have been declared competent in the last year?

Mr. CARTER of Oklahoma. As the gentleman knows, I was not at the hearings of the Indian Committee and perhaps some of the members who were there can tell you.

Mr. HASTINGS. I think about 1,500.

Mr. CANDLER of Mississippi. There were 1,532.

Mr. ELLSWORTH. To the extent of the number of Indians that are declared competent the number of incompetent Indians is decreased?

Mr. HASTINGS. Among the Five Civilized Tribes there are 101,506. Of these about 75,000 are Indians, and of these about 37,000 were restricted Indians; and it is estimated one-third of those have died, leaving about 25,000 living. The restrictions

have been removed from some, and the testimony in the hearing shows there are estimated to be living about 23,000 restricted Indians among the Five Civilized Tribes.

Mr. ELLSWORTH. Does the gentleman think that in the last seven years the work of the competency commission has or has not increased?

Mr. HASTINGS. We have not had a competency commission out there in the last seven years. A competency commission was down there this year. Heretofore they went before some local agent and made application, and the local agent reported to the Superintendent for the Five Civilized Tribes, and he reported to the Commissioner of Indian Affairs, and the Commissioner of Indian Affairs reported to the Secretary of the Interior.

The competency commission goes out and visits each Indian at his home. They make an investigation concerning him and make a report upon each application direct through the Commissioner of Indian Affairs to the Secretary of the Interior, and if that is approved he is adjudged to be competent and his restrictions are removed.

Mr. ELLSWORTH. The competency commission sometimes hold their meetings in cities and villages and subpoena witnesses before them. Do they have authority to subpoena witnesses?

Mr. HASTINGS. Last year they pursued the policy of going about from place to place in eastern Oklahoma, where Indians came to visit the competency commission and went before them; and I understood they took as much testimony as they thought it necessary to take. Part of it was transcribed; I do not know how much. My understanding is that under the present instructions the present competency commission, of which Maj. McLaughlin has been a member until the last few days, is instructed to go out and visit the home of every Indian making application for the removal of his restrictions. Now, just how much testimony they took I do not know; whether they took any, I do not know; but I know they have been pursuing that policy during the present year.

Mr. SNYDER. Mr. Chairman, will the gentleman let me ask him a question?

Mr. HASTINGS. Yes.

Mr. SNYDER. One of the things that I did not develop in my efforts to develop things before the committee was this: When an Indian desires to demonstrate his competency, does he have to make an application himself, or does the department make the examination on its own account?

Mr. CARTER of Oklahoma. He does it without the competency commission. The competency commission examines all Indians they come in contact with without application.

Mr. SNYDER. That is what I wanted to bring out. Does this commission inquire of these Indians themselves in order to find out whether they are competent or not?

Mr. CARTER of Oklahoma. Yes. That is, as I think, the fair thing to do. In most cases outside of Oklahoma, where the land of the Indian is restricted and where he holds a trust patent, his land is exempted from taxation. Therefore you find the most intelligent Indians in a great many instances are the ones who do not want their restrictions removed.

Mr. SNYDER. Does it not seem absurd that with these competency commissions in operation there are only 1,500 Indians in Oklahoma who have been declared competent?

Mr. HASTINGS. That is what I say. While the competency commission was continued in the appropriation for last year, there was a change in the personnel, and they did not really get to Oklahoma until October, so that they did not work there, as I understand, in July, August, and September, and three months were lost.

Mr. SNYDER. It is difficult to find out just what these competency commissioners did do.

Mr. CAMPBELL of Kansas. Mr. Chairman, if the gentleman will permit, one of the things that the competency commission found among the most intelligent Indians, as stated by the gentleman from Oklahoma [Mr. CARTER], is that they do not want their restrictions removed, and do not want to be declared competent. While they remain under their restrictions they do not have to pay taxes on their land and on their incomes, and many of them have large amounts of money; and they are just competent enough to know that if they remain "incompetent," they will not have to pay taxes.

Mr. HASTINGS. I do not find many people in the States who are very anxious to pay taxes unless they have to.

Mr. CAMPBELL of Kansas. The Indian is not so incompetent as the Indian Bureau here would have the general public believe.

Mr. HASTINGS. I would add that the removal of restrictions from the homesteads of restricted Indians would not make the homestead taxable as long as the allottees held it.

Mr. CAMPBELL of Kansas. That only applies to the homestead?

Mr. HASTINGS. Yes.

Mr. CARTER of Oklahoma. That only applies to Oklahoma. In other sections where an Indian is given a fee patent the land immediately becomes taxable, and he takes upon himself all the duties of United States citizenship. I think there are two others besides this.

Mr. ELLSWORTH. If the condition which the gentleman from Kansas [Mr. CAMPBELL] speaks of is universal this amount ought to be decreased pretty soon.

Mr. HASTINGS. The department insisted on an increase of \$10,000 in this item, but the committee did not allow that. It cut it down.

Mr. ELLSWORTH. It seems there ought to be fewer applications in the future than there have been in the past.

Mr. HASTINGS. I think that will be true in another year.

Mr. CARTER of Oklahoma. They do not have to make application with the competency commission.

Mr. ELLSWORTH. They do not?

Mr. CARTER of Oklahoma. No; but that simplifies the matter. When the man goes to the competency commission himself and it determines his qualifications that report is sent to Washington. It does not pass through the hands of a subordinate agency, but comes to Washington to the Secretary, and the Secretary himself either approves or disapproves that application, and I do not believe he has ever disapproved any application that the competency commission has passed upon. That cuts out red tape.

Mr. ELLSWORTH. So the competency commission can determine whether a man is competent or not, regardless of what the Indian himself wants?

Mr. CARTER of Oklahoma. Yes.

Mr. TILLMAN. Mr. Chairman, if the gentleman will permit, does not the gentleman think that in a case like that cited by the gentleman from Kansas [Mr. CAMPBELL] the man should be required to be emancipated?

Mr. CAMPBELL of Kansas. There is a report sent to the department with a recommendation that he be declared competent.

Mr. TILLMAN. That is as it should be.

Mr. CARTER of Oklahoma. In an investigation upon the Yakima Reservation in 1913 there came before our committee a young man who had blue eyes and light hair and did not appear to have any of the characteristics of an Indian. I said to him, "What do you want?" He said, "I have a complaint to make." I said, "What is that?" He said, "The agent has allowed too much consideration and paid too much money for expenses in planting an orchard on my land." I said, "What is your land worth?" He said, "About \$2,000 an acre." That sounds unreasonable to anyone unacquainted with that country. I said to him, "Did you take it up with the agent?" He said, "Yes; but I could not get anything out of it; he insisted on paying this excessive amount for the trees." I said, "How much Indian are you?" He said, as I recall, "I am a quarter," or "I am an eighth." I said, "Why don't you get your restrictions removed, so that you can attend to your own affairs." He said, "I do not want my restriction removed. It is too valuable." I said, "Then do not bring your complaints to me." I think whenever an Indian is found to be competent he ought not to be placed on examination at all. He ought to be declared competent absolutely.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

INDIAN SERVICE INSPECTORS.

For pay of six Indian Service inspectors, exclusive of one chief inspector, at salaries not to exceed \$2,500 per annum and actual traveling and incidental expenses, and not to exceed \$3.50 per diem in lieu of subsistence when actually employed on duty in the field, \$25,000.

Mr. ELLSWORTH. Mr. Chairman, I move to amend by striking out the figures "\$25,000" on page 13, line 17, and inserting in lieu thereof "\$21,000."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. ELLSWORTH: Page 13, line 17, strike out "\$25,000" and insert "\$21,000."

Mr. ELLSWORTH. Mr. Chairman, I notice that in the bill of two years ago the salaries were the same as in this bill, \$2,500, the number of inspectors was the same, and the per diem was \$3. In this bill, with a per diem of \$3.50 for the same number of inspectors at the same salaries, the amount appropriated is \$5,000 less than it was two years ago. Two years ago the amount carried in the bill for six inspectors at \$2,500 each salary and \$3 per diem was \$30,000. Now, it seems to be perfectly apparent that that means one of two things:

Either the work that these men were doing was not necessary and it was not necessary for them to travel, or if it was necessary then it is not necessary now; and if it is not necessary for inspectors to travel, then it seems to me they would not be doing any work. If it is necessary and if they do travel, if they are doing the same work now that they did two years ago and ought to do it; then the total amount, with the per diem raise and everything else remaining the same, ought to be larger. If these services were rendered in good faith and this provision is inserted in good faith, it seems to me the amount ought to be more. The fact that it is reduced, regardless of the fact that the salaries and number of the inspectors are the same and that their per diem is larger, it seems to me is fair evidence, at least on first blush, that it could be almost dispensed with entirely. Certainly it seems to me that this is the kind of an item that we ought to begin to reduce at this time.

Mr. HAYDEN. The reason the committee made the reduction was because there is on hand an unexpended balance of \$10,333.39, which is explained by the Indian Office to this effect:

There is an unexpended balance of approximately \$10,000, occasioned by vacancies in the personnel of the force from time to time, but with the full force now appointed and in active service the amount asked for will be almost entirely hypothecated during the fiscal year.

Mr. ELLSWORTH. What was the unexpended balance two years ago? I do not mean for the fiscal year 1919, but for the fiscal year 1918—the law passed in 1917.

Mr. CHANDLER of Oklahoma. It was \$10,300.

Mr. ELLSWORTH. I am told that the unexpended balance at that time was about \$10,000 also, so that that would not answer the question at all. It would look as though it were contemplated to reduce the amount, while at the same time the same number of people were employed at the same salaries.

Mr. HAYDEN. Congress may authorize the employment of an indefinite number, but the actual number employed will depend on the amount of money appropriated. We thought, in view of the unexpended balance from the preceding year, it was entirely proper to cut the amount \$5,000, which we did, and I think the gentleman ought to commend the committee for its action.

Mr. ELLSWORTH. I do commend the committee for it, and I rather think the amount ought to be cut more. My amendment proposes to cut it more. Inasmuch as the amount remaining unexpended two years ago was about the same as it is now, it seems to me that it is very easy to read between the lines that this sort of service is one which the bureau is very anxious to maintain, and it seems to me that without any injury at all to the service it might be cut to three inspectors and \$15,000. I would even be willing to vote for that.

Mr. HAYDEN. If the Indian Bureau was anxious to spend the money, if it was doing what the gentleman suggests, all the money would have been used and there would have been no unexpended balance, which shows that the bureau is likewise to be commended.

Mr. ELLSWORTH. I think perhaps the bureau and the committee both ought to be commended, and I think the amount ought to be reduced.

Mr. CHANDLER of Oklahoma. Mr. Chairman, for the benefit of the gentleman who has offered this amendment I will state that if the amendment were carried it would not provide enough money for the pay of six inspectors. Under ordinary circumstances these inspectors would draw a per diem of about \$1,000 a year. Their salaries, at \$2,500 each, would be \$17,500, which, plus \$6,000 for the six inspectors for per diem, would make \$23,500. With six inspectors they could not possibly get along with the amount he suggests.

Mr. ELLSWORTH. What do these six inspectors do?

Mr. CHANDLER of Oklahoma. They are supposed to check up these agencies.

Mr. ELLSWORTH. Check them up—to see who is there and whether the Indians are competent?

Mr. CHANDLER of Oklahoma. To see whether these moneys are properly expended and to investigate complaints that are made about the various agencies.

Mr. ELLSWORTH. Do they go into the Indian schools to see whether there are Indian children in the Indian schools who ought to be in the public schools?

Mr. CHANDLER of Oklahoma. They are supposed to do that. Whether they do or not, I do not know.

Mr. HASTINGS. Mr. Chairman, if the gentleman will allow me, these inspectors are really representatives of the Indian Office out in the field, and they go there as representatives of the Indian Office and inspect the Indian Service everywhere and make confidential reports.

Mr. ELLSWORTH. And if they find an Indian child somewhere in the public schools who they think ought to be taken

to the Indian schools, do they recommend that that child be taken from the public schools and put in the Indian schools?

Mr. CARTER of Oklahoma. Most of the inspection done by these inspectors is the inspection of agencies and of the officials of the bureau, as I am sure the gentleman from Minnesota knows. In other words, the inspectors inspect.

Mr. ELLSWORTH. Do they inspect the books of the agencies and the accounts of the Indians and so forth?

Mr. CARTER of Oklahoma. They do.

Mr. SNYDER. The chairman of the committee will appreciate that for several years we have attempted diligently to find out what these inspectors did, and it seemed to me that they were a sort of committee that went out and overlooked the situation, if they went at all; and I have tried to reduce the number every year, and made the same attempt this time, but the commissioner seemed to want us to understand that these men were more or less his confidential advisers in the field. We thought that while this was a great plenty, if they worked all the time they ought to get all the information he required. I am in sympathy with the gentleman from Minnesota on his amendment, that it could be safely cut down.

Mr. CARTER of Oklahoma. I agree with the gentleman from New York that we have not before the committee been able to get a great deal of information from the bureau as to these inspectors, but I can understand why that is.

Mr. SNYDER. The chairman will remember that we cut out two inspectors a year or more ago.

Mr. CARTER of Oklahoma. I have had opportunity to observe these inspectors on the different reservations, and from my observation I have made a statement as to what they did. I remember that a Mr. Deming, who was one of the inspectors, inspected the Carlisle school, and inspected before that the school in Washington at the Yakima Agency at Fort Simcoe, and I happened to be present while he was making those inspections. Maj. McLaughlin, whom we all love and whom we have heard the gentleman from Minnesota eulogize, is the oldest Indian inspector in the service, and has made one of the most valuable reports to this Congress of certain phases of the Five Civilized Tribes that could be imagined.

Mr. CAMPBELL of Kansas. May I suggest that Maj. McLaughlin is under the Secretary of the Interior direct, and is sent out by the Secretary of the Interior, to whom he reports direct.

Mr. CARTER of Oklahoma. He is a member of the competency commission, but prior to that time he was under the Indian Bureau.

Mr. ELLSWORTH. Is he paid from this item that we are now discussing?

Mr. CARTER of Oklahoma. I understand that Maj. McLaughlin has just gone off the competency commission. Whether he is now in the Indian Service or not I do not know. I do not know in what capacity he is.

Mr. ELLSWORTH. My understanding is that he is provided for under the Indian department.

Mr. CARTER of Oklahoma. He was a member of the competency commission, but I heard a rumor that he had retired.

Mr. ELLSWORTH. He is now a special inspector under the Interior Department.

Mr. CARTER of Oklahoma. The gentleman has later information than I have.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I wish to correct a statement made by the gentleman from New York [Mr. SNYDER]. The six inspectors provided for here are not the ones that the gentleman from New York [Mr. SNYDER] referred to. The six he referred to were the oil and gas inspectors in Oklahoma. They were reduced to four. The six inspectors here are the ones commonly known in the agency and among the Indians as "Cato Sells's eyes," and I have been reliably informed that two were in Oklahoma fighting my reelection on account of a certain stand I took against the Indian Bureau last year.

Mr. STAFFORD. Will the gentleman yield?

Mr. CHANDLER of Oklahoma. Certainly.

Mr. STAFFORD. Does the gentleman mean to say that an employee of the department engaged in pernicious activity seeking to defeat a Member of Congress because that Member had the courage to express his views on the floor and sought to have his views carried out in legislation?

Mr. CHANDLER of Oklahoma. I have been so informed; and not only that, but I was informed that one inspector went down there opposing in the primaries a Democratic candidate for nomination.

Mr. CARTER of Oklahoma. An oil and gas inspector?

Mr. CHANDLER of Oklahoma. No; not an oil and gas inspector but one of these six inspectors.

Mr. STAFFORD. Such character of conduct should be severely condemned. I never heard before of any employee of the Government using his time, even after office hours, seeking to defeat either the nomination or election of a Democratic or Republican Member of Congress. We all know that under the presidential order he has the right to exercise the privilege of a citizen, but when he becomes so perniciously active as to go out of the way and seek retribution against a Member of Congress because he is doing his full duty in trying to economize and safeguard the interests of the Treasury it is high time that that man should be disciplined.

Mr. TILLMAN. That is as bad as the Security League. [Laughter.]

Mr. STAFFORD. No; this is in the open. Wall Street uses the Security League as a camouflage to carry out their purposes.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

VEHICLES FOR INDIAN SERVICE.

That not to exceed \$200,000 of applicable appropriations made herein for the Bureau of Indian Affairs shall be available for the maintenance, repair, and operation of motor-propelled and horse-drawn passenger-carrying vehicles for the use of superintendents, farmers, physicians, field matrons, allotting, irrigation, and other employees in the Indian field service: *Provided*, That not to exceed \$15,000 may be used in the purchase of horse-drawn passenger-carrying vehicles and not to exceed \$40,000 for the purchase of motor-propelled passenger-carrying vehicles, and that such vehicles shall be used only for official service.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. The committee has increased the amount for motor-propelled vehicles for the Indian Service from \$30,000 to \$40,000. I rise to inquire as to the number of automobiles in the Indian Service in the field and what the average cost of those automobiles is and the life of them.

Mr. HASTINGS. I do not know that we developed from the commissioner the number. Inquiry was directed about the increase from \$30,000 to \$40,000 of motor-propelled vehicles, and our investigation was along that line. My memory has been refreshed by the hearings. On page 79 the gentleman will find the commissioner said:

There are 339 passenger-carrying automobiles, 60 automobile trucks, 2 automobile ambulances, and 2 motorcycles. We have 900 horse-drawn passenger-carrying vehicles and 300 drayage and farm wagons in the Indian Service.

Perhaps that is the information the gentleman wants.

Mr. STAFFORD. Did the hearings develop the average price for these passenger-carrying automobiles?

Mr. HASTINGS. I believe not; but it was stated by the Commissioner of Indian Affairs that he bought the cheaper kind. They are practically all Fords.

Mr. STAFFORD. I withdraw the pro forma amendment.

The Clerk read as follows:

For initial payment for goods and supplies purchased for the Indian Service, \$500,000, or so much thereof as may be necessary, to be immediately available and to be reimbursed, by transfer through accounts of disbursing officers or otherwise, from appropriations and funds which are applicable for the various agencies, schools, and projects to which the goods and supplies are subsequently distributed: *Provided*, That the sums so reimbursed may be expended under the same conditions in payment for other purchases made during the fiscal year ending June 30, 1920.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph. I believe this is a new provision delegating to the bureau new authority that has not been heretofore vested in the bureau. I think some explanation should be made of that item carrying \$500,000.

Mr. SNYDER. Mr. Chairman, I will say for the information of the gentleman that this fund is asked for by the bureau in order to create a new method of purchasing the supplies for the various activities under the Indian Bureau. Heretofore the policy has been once a year, at least, to ask for bids upon certain commodities that the bureau has to buy. Those bids are opened in two or three different places within the borders of the United States. A contractor whose bids are accepted has been put to the trouble of waiting for his money for such purchases until such time as the commodity finally arrives at its destination, which may be after it has passed through a Government storehouse, has laid there for several weeks or months, and then finally gets to the school at the reservation, where the articles are finally checked up and the bill finally checked up. It was thought that by giving the Government a sufficient amount of money so that it could purchase in much larger quantities than it ever purchased before, with the understanding that the merchandise is to be paid for on a commercial basis, within 10 or 15 or 20 days after purchase was made, cash discounts might be taken advantage of and better prices might

be obtained by reason of the fact of the seller knowing that within a certain reasonable length of time he is going to get the money for the goods that he sold. Therefore they have asked for this amount of money, which is wholly reimbursable, and it really never leaves the Treasury at all except for a short period.

Mr. STAFFORD. This is a fund for the accommodation of the sellers of merchandise to the Indian Bureau.

Mr. SNYDER. It is an accommodation to both of them, and it is thought that it will make a great saving in the purchase of merchandise, not only for the bureau but for the schools.

Mr. STAFFORD. Have any specific instances been called to the attention of the committee wherein contractors have charged the Government higher prices by reason of the system now in vogue, which the gentleman has described?

Mr. SNYDER. Except by the bureau itself. So far as I know, no contractor has complained in the presence of any member of the committee with regard to this usage that is now in force.

Mr. GANDY. Mr. Chairman, will the gentleman yield?

Mr. STAFFORD. Yes.

Mr. GANDY. I have had a great deal of correspondence from people who have sold or contracted for various articles to the Indian Service, complaining of the long delay caused by not being able to get payment for the articles sold. It was the understanding of the committee that in creating this \$500,000 fund it was simply creating a revolving fund, out of which invoices might quickly be paid for and then the money restored to the fund from the proper appropriation. This is not an increase in the appropriation at all but only provides a revolving fund, from which these purchases may be immediately paid for.

Mr. STAFFORD. I do not know of any other instance where the Government has appropriated half a million dollars for the purpose that is intended in this paragraph.

Mr. SNYDER. It is really not an appropriation; it is simply a loan of a certain amount of capital with which to do business.

Mr. STAFFORD. The gentleman is a business man.

Mr. SNYDER. And this appealed to me as a business proposition.

Mr. STAFFORD. And yet the Indian Bureau is insignificant in the amount of its purchases as compared with other activities of the Government.

Mr. SNYDER. They buy several million dollars' worth of goods per annum.

Mr. STAFFORD. The amount is insignificant as compared with the purchases made by the War and the Navy Departments and by the Agricultural Department, and yet you are here providing a system that has not been adopted, so far as I know, by any of the departments of the Government.

Mr. SNYDER. The gentleman will have to admit, however, that these items that are purchased by the bureau are shipped to infinitely more remote sections of the country, North, East, South, West, and that takes a long time, and during that period one who sells the Government must wait for his pay.

Mr. STAFFORD. That is one of the conditions of doing business with the Government.

Mr. SNYDER. Does the gentleman understand that in this case it is simply a case of the Government having to wait for its money instead of the seller having to wait for his? The Government gets a return for the money it advances from the school itself. The school returns the price of the merchandise, or the invoice, when it receives these goods, and checks them up. It pays the bill just the same, but it pays the bill to the Government, and with that the Government is reimbursing itself for the money it gave to the seller in the first place.

Mr. STAFFORD. Under existing practice the bureau desires supplies and it advertises for them and contractors submit bids. The bids are awarded and then the supplies are furnished, and when the bill is received I presume that the department pays the bill.

Mr. SNYDER. The gentleman's assumption is not well grounded, because it does not.

Mr. STAFFORD. Where is there any law that prevents the bill being paid on presentation of the bill of lading?

Mr. SNYDER. I presume there is nothing in the law, but the policy or the rule is such that it is not paid until the goods reach their final destination. I am not tenacious as to this at all; it is not an invention of mine; but it looks to me like a good business proposition.

Mr. STAFFORD. I would hardly ascribe it to the gentleman from New York, knowing his good business judgment and knowing his desire to protect the Treasury.

Mr. CARTER of Oklahoma. Will the gentleman yield for just a moment to me? Mr. Chairman, I move to strike out the last word of the amendment. When I first saw this item, after it

was placed in by the committee, I was inclined to be alarmed over it, but after having had read to me the reasons suggested by the assistant commissioner in the investigation of him by the gentleman from New York and others, I made up my mind it was a good proposition. Now, what does this do—

Mr. STAFFORD. Would the gentleman have any objection to allowing this paragraph to be passed over temporarily? It is too important a provision, and I have not had time to examine this as I have some of the other items, and I do not wish to urge the point of order, as I would be compelled to do, until I can look further into the matter.

Mr. CARTER of Oklahoma. I would be very glad to do so, and I think if the gentleman does look into it he will not be inclined to make the point of order.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that this paragraph be passed over without prejudice. Is there objection? [After a pause.] The Chair hears none.

Mr. STAFFORD. Subject to the reservation of the point of order.

The Clerk read as follows:

For reimbursement of A. R. Snyder for expenses incurred by him in repairing his personal automobile which was damaged while used on official business, \$27.20.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph beginning lines 3 to 5.

Mr. HASTINGS. Mr. Chairman, this is to reimburse A. R. Snyder, who is superintendent at the Pottawatomie Agency out in Kansas. There was some disturbance occasioned, as I now recall, by some drunken people, and it became necessary for Mr. Snyder to use his own personal automobile in taking some officials from that place out to a point on the reservation, and after they got there some one connected with it set on fire this automobile and it was damaged to the amount of \$27.20. He was out there on official business; had to use his own automobile to take some officers out there. He is superintendent of this agency, and the department recommended this item, and we made an investigation and we thought it was fair, and for that reason we incorporated it.

Mr. STAFFORD. The gentleman recognizes the danger of incorporating in an appropriation bill paragraphs for the payment of a private claim as an inducement to another body to load the bill down unreasonably with all kinds and manner of claims.

Mr. HAYDEN. Mr. Chairman, we had this experience before, and I think the committee of the other body understand it thoroughly, that it is the rule that there will be no claims included in the House Indian appropriation bill. This extends no further back than the last fiscal year, and it is only for a small amount. We have had no difficulty in making them understand that rule for a great many years past, and we have gotten along very well.

Mr. STAFFORD. Then, with the assurance that the gentleman will exert his strong and mighty power in preventing any additional claims from being added that might not be justified—

Mr. HAYDEN. The House conferees will follow their uniform policy and keep off all of these claims.

Mr. STAFFORD. Mr. Chairman, under the conditions, I withdraw the reservation of the point of order.

The Clerk read as follows:

That the Secretary of the Interior is hereby authorized, wherever in his discretion such action would be for the best interest of the Indians, to cause a final roll to be made of the membership of any Indian tribe; such rolls shall contain the ages and quantum of Indian blood, when approved by the said Secretary are hereby declared to constitute the legal membership of the respective tribes for the purpose of segregating the tribal funds as provided in section 28 of the Indian appropriation act approved May 25, 1918 (40 Stat. L., pp. 591, 592), and shall be conclusive both as to ages and quantum of Indian blood: *Provided*, That the foregoing shall not apply to the Five Civilized Tribes or to the Osage Tribe of Indians.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. I think some explanation should be given as to the reason for this new authorization.

Mr. HASTINGS. Mr. Chairman, if the gentleman will permit, the hearings disclose that the department asked for this authority in view of the fact that on a great many of these reservations they were making up rolls, and they were making allotments and wanted to wind up the affairs of a good many of these tribes, and they said this provision would expedite it. You will note that the committee added some little additional language to that suggested by the department. For instance, we thought future legislation by Congress would be based perhaps upon the degree of blood, ages, and so forth, so that we added to the suggestion of the department that these rolls should be made conclusive both as to ages and quantum of blood, following the custom set by Congress with reference to the making of the rolls

conclusive as to ages and quantum of blood among the Five Civilized Tribes, which was done several years ago, as the gentleman recalls.

Mr. GANDY. Will the gentleman yield?

Mr. HAYDEN. I do.

Mr. GANDY. In the Indian appropriation bill of last year there was carried a provision authorizing the pro rating of the tribal Indian funds in order that the department might know, and that the Indian might know just what his share or her share is in those funds. The department held after the bill had been passed that it could not undertake this prorating work until the rolls had been completed and that they did not then have authority of law to complete the rolls on a number of the reservations, and this simply gives them the authority to complete the rolls and when they have then they may take up the pro rating of the tribal funds as was authorized in the appropriation bill of last year.

Mr. STAFFORD. What expense will be occasioned by the grant of this authority?

Mr. GANDY. I may say that the rolls—practically the work is completed all over the country.

Mr. HASTINGS. There will be no additional expense other than the employees on the various reservations; that is, there will be no additional employees. There will be no additional expense. It is contemplated that the employees there will do the work.

Mr. STAFFORD. Has not the department authority at the present time to cause the rolls to be made of all the Indians and has not the department such rolls and possibly as minutely as described in this paragraph?

Mr. GANDY. It is my understanding that they do have that authority, but not the authority to complete it, or, in other words, to close it.

Mr. CARTER of Oklahoma. If the gentleman will permit me, here is the difficulty: Suppose you make the roll of a tribe and you have had no congressional expression that that is an official roll. There is not any end of the settlement of an Indian tribal estate. A child that is born to-morrow will assert the right; a child born next year will assert a right and it goes on indefinitely and interminably. Here is a proposition which, I think, if the gentleman had time to give it the fullest consideration, he would agree is really a step toward the winding up of Indian affairs, because you can not allot—you can not divide—tribal funds; you can not take care of the Indians in the schools; you can not do anything of that kind until you have found his status as an Indian.

Mr. STAFFORD. I can agree that in many instances that the roll should be finally concluded, but are there not some Indian tribes in this country which are not so advanced and wherein you do not wish to bar all such children from those rolls?

Mr. CARTER of Oklahoma. Furthermore, Mr. Chairman, let me say to the gentleman, that even if you should close up all the rolls to-morrow you would not do any great violence to any of the Indians, because each Indian child would inherit from its father's, or mother's, or brother's part when they passed away.

Mr. STAFFORD. They might not inherit as much as they would in case they were singled out as entitled to one full quota.

Mr. CARTER of Oklahoma. They might not inherit as much or might inherit more, as the chances go all through life. I agree with the gentleman that the better time to make the roll is just prior to the time you make the division, but the division can not be made until the Secretary has the right to make the roll, because you have not the divisor.

Mr. HASTINGS. And neither the land nor money.

Mr. CARTER of Oklahoma. If we should undertake to divide any estate where Congress had not said the roll was final, then after that estate was divided there would be nothing on earth to prevent the children that were born afterwards coming back on the Federal Government and saying they wanted their share of this estate, because it has not been settled by Congress or by the courts, or anyone else, and they are just as much Indian as the others were.

Mr. STAFFORD. Looking forward 25 years is taking a very radical view of some few tribes being in existence on reservations where their lands are not allotted.

Mr. CARTER of Oklahoma. That will probably be true in 25 years.

Mr. STAFFORD. And yet you would foreclose, perhaps, many persons subsequently born by reason of closing the roll.

Mr. CARTER of Oklahoma. The provision is not mandatory.

Mr. HASTINGS. He is authorized to do this in his discretion.

Mr. GANDY. Let me give the gentleman a concrete example. On the Pine Ridge Reservation in South Dakota the agreement with the Indians was that the Indians then living should be

allotted. Congress afterwards, some 18 or 20 years ago, both increased the size of the allotment and provided that the children should be allotted. Congress has never closed the roll, and as a result the land has all been allotted, and of children—some newly born and some 1, 2, 3, 4, and 5 years of age—there are now about 600 unallotted on that reservation.

Mr. CARTER of Oklahoma. Let me say to the gentleman this: The safe thing to do, both from the standpoint of the Indian and the standpoint of the Federal Treasury, is to have affirmative action by Congress for the closing of any roll. If we do not have that, then these other claims will spring up in the future as I have stated they have sprung up in the past.

Mr. ELLSWORTH. Do either of the gentlemen from Oklahoma think that a commission ought to be created or it ought to be specified in what way the department should make the appointment of those who are to make the determination of those to go on the roll?

Mr. HASTINGS. It will be made by the superintendent. The rolls have been made and they are ready now to be approved, and they want the authority by Congress. It is so testified by the commissioner.

Mr. ELLSWORTH. Would it be made in the usual course, by those under the civil service?

Mr. HASTINGS. Those in charge of the various agencies.

Mr. CARTER of Oklahoma. Yes.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The Clerk read as follows:

That all of the provisions of an act entitled "An act for the relief of Indians occupying railroad lands in Arizona, New Mexico, or California," approved March 4, 1913 (37 Stats. L., p. 1007), as extended by the act approved April 11, 1916 (39 Stats. L., p. 48), be, and the same are hereby, extended for a period of three years from and after the 4th day of March, 1918.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph. What is the purpose of this legislation?

Mr. HAYDEN. By the act here cited exchanges of lands were authorized in New Mexico, Arizona, and California where Indians have been residing on railroad lands for five years prior to the passage of the act, so that the Indians could obtain title to the lands on which they were residing and the railroad companies might obtain other lands of equal area and value in lieu thereof. The gentleman understands that when the transcontinental railroads were built the alternate sections were granted for 20 miles on each side of the track as a bonus for building the railroad. Certain lands on which the Indians were residing, when surveyed, were found to belong to the railroads. In order that the Indians could retain the land on which they resided, the railroad companies were permitted to select other land equal in area and value in the same State. The Government is not giving the railroad companies any more land than they otherwise would have. It is merely an exchange for the convenience of the Indians.

When this matter came up for consideration in Congress some years ago I discovered that there was no limitation at all as to how much land might be exchanged. I insisted at the time that the acreage in Arizona and New Mexico must be limited, and fixed the amount in the act at 10,000 and 25,000 acres, respectively. I also insisted that a limit of time be placed on these exchanges in order to expedite the transaction. Unfortunately the Indian Office has not completed this work as rapidly as I expected them to do it. The time fixed was three years. The Indian Office reports that there are some 100 Indians still residing on the land where the transfers are not completed. They ask for three years from the 4th of last March, or practically two years from the present time, in which to complete this work.

Mr. STAFFORD. They want the same area and value of lands as those held by the Indians?

Mr. HAYDEN. Yes; that is it.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The CHAIRMAN. The pro forma amendment is withdrawn. The Clerk will read.

The Clerk read as follows:

For continuing the development of a water supply for the Navajo and Hopi Indians on the Navajo, Moqui, Pueblo Bonito, San Juan, and Western Navajo Reservations, \$30,000, to be immediately available, reimbursable out of any funds of said Indians now or hereafter available.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Wisconsin moves to strike out the last word.

Mr. STAFFORD. I see the gentleman from Arizona [Mr. HAYDEN] in the Chamber, as usual when this bill is under con-

sideration. I know he has full knowledge about the various projects. I rise merely for general information, to ascertain whether any new projects are carried in these respective items relating to New Mexico or Arizona?

Mr. WALTON. None in New Mexico, as I understand.

Mr. STAFFORD. There is one in Arizona?

Mr. HAYDEN. There is one in New Mexico—the Pueblos. The items here carried are practically the same as those carried in the last Indian appropriation bill. The item for the Ganado irrigation project must be corrected by inserting the sum of \$3,000. Another, for the Zia Pueblos, New Mexico, is new. The item following is the same. The item for the San Xavier Indian Reservation, Ariz., \$16,500, is new, and all appropriations from Indian tribal funds, amounting to \$17,500, proposed at the end of the items, are new.

Mr. STAFFORD. All those projects that the gentleman referred to are not of any very large or extensive character?

Mr. HAYDEN. No.

Mr. STAFFORD. I assume they are minor projects, pumping stations, and the like?

Mr. HAYDEN. Yes.

Mr. STAFFORD. The projects are not intended to involve a very heavy charge upon the Treasury in the future?

Mr. HAYDEN. No; none of them.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

Mr. LITTLE. Mr. Chairman, I move to strike out the last two words.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last two words.

Mr. LITTLE. I wish to inquire if there is something in the bill in regard to the Zuni Indians?

Mr. HAYDEN. I made no mention about the Zuni Indians.

Mr. LITTLE. I saw a copy of the bill, and I thought there was formerly in the bill a reference to the Zuni Indians in New Mexico. But I am not able to find it. Why is it that it does not appear?

Mr. HAYDEN. Under the head of "New Mexico" there are items for the support of the various Indian schools and certain irrigation ditches at Jimez and Zia Pueblos, N. Mex., and a road and bridge on the Mescalero Reservation. All those items will be found on page 35.

Mr. LITTLE. Since I am on my feet, I would like to ask about the Laguna Pueblos, on page 21. How extensive are the irrigating ditches there?

Mr. WALTON. The water is brought about 25 miles in the ditch.

Mr. LITTLE. Along how much of that are there farms under irrigation?

Mr. WALTON. About 2,500 acres.

Mr. LITTLE. How close is that to the pueblo?

Mr. WALTON. The pueblo is located near the Rio Grande River.

Mr. SNYDER. Mr. Chairman, we seem to be discussing the bill ahead of the reading. I would prefer that we go ahead in the regular order.

The CHAIRMAN. The gentleman from Kansas withdraws his pro forma amendment. The Clerk will read.

The Clerk read as follows:

For operation and maintenance of the Ganado irrigation project, reimbursable under such rules and regulations as the Secretary of the Interior may prescribe: *Provided*, That any balance of the \$20,000 appropriated by the act of May 25, 1918 (40 Stat. L., p. 569), which shall be unexpended on June 30, 1919, is hereby appropriated.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word.

The CHAIRMAN. The gentleman from Kansas moves to strike out the last word.

Mr. HAYDEN. Mr. Chairman, if the gentleman from Kansas will yield for a moment, I would like to move a committee amendment. I move to insert the figures "\$3,000" after the word "prescribe" in line 5 of page 21. That was omitted. That omission is a misprint.

The CHAIRMAN. The Clerk will report the committee amendment.

The Clerk read as follows:

Committee amendment: Page 21, line 5, after the word "prescribe," insert "\$3,000."

The CHAIRMAN. The question is on agreeing to the amendment.

The amendment was agreed to.

Mr. LITTLE. Mr. Chairman, I was inquiring in regard to the Laguna Pueblo Indians in New Mexico, where about 2,500 acres are under irrigation. I wish to inquire of the gentleman what is the nature of the improvement?

Mr. SNYDER. Mr. Chairman, once more I arise to ask the gentleman to defer his remarks until we have reached the paragraph in question.

Mr. LITTLE. The Clerk did read it.

Mr. SNYDER. No. The reading, as I understood, stopped at line 9.

Mr. LITTLE. The Clerk read beyond line 9.

The CHAIRMAN. The Clerk informs the Chair that he has read from line 9 to line 19. Without objection, the Clerk will again read the last paragraph.

The Clerk read as follows:

For enlarging and improving the reservoir and ditch system for the Laguna Indians of the Laguna Pueblo, N. Mex., \$5,000.

The CHAIRMAN. The gentleman from Kansas is recognized.

Mr. LITTLE. It is difficult, Mr. Chairman, to get recognition about anything. Can the gentleman tell us how extensive this improvement is and what is the nature of the improvement?

Mr. WALTON. Some years ago the Indian Bureau assisted the Pueblos by providing sufficient funds for the construction of three dams. Two of these dams have been badly damaged by flood water, one of them almost totally washed out and the other washed around. This \$5,000 is asked for the purpose of putting these dams into proper shape, so that they may put water into the laterals and the ditches.

Mr. LITTLE. Then this is simply restoration?

Mr. WALTON. That is all.

Mr. LITTLE. What success do the Indians attain in this irrigation work?

Mr. WALTON. Very good success. They are self-supporting as a result of their agricultural pursuits.

Mr. LITTLE. Who has charge of the irrigation work—the Indians or white men?

Mr. WALTON. The Indians, as far as my information goes. I can not answer that positively.

The CHAIRMAN. Without objection, the pro forma amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

For operation and maintenance of the pumping plants on the San Xavier Indian Reservation, Ariz., \$16,500, reimbursable out of any funds of the Indians of this reservation now or hereafter available.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word for the purpose of asking a question. What is the nature of the pumping plant and what is the pumping from?

Mr. HAYDEN. The pumps are established in the valley of the Santa Cruz River on the San Xavier Indian Reservation.

Mr. LITTLE. Is the pumping done from wells?

Mr. HAYDEN. Yes.

Mr. LITTLE. How deep are the wells there?

Mr. HAYDEN. I think the average depth there is 20 or 30 feet. There is a very substantial underflow from the Santa Cruz River.

Mr. LITTLE. It is a rather simple process, then?

Mr. HAYDEN. Yes.

Mr. LITTLE. How much ground is covered by the irrigation works?

Mr. HAYDEN. About 9,000 acres.

Mr. LITTLE. What are these Indians—semicivilized?

Mr. HAYDEN. They are Papagoes.

Mr. LITTLE. Have they made a success of it?

Mr. HAYDEN. Yes. They have a very good market for everything they grow.

Mr. LITTLE. They live like the Pueblo Indians generally, I suppose?

Mr. HAYDEN. They are Papagoes.

The CHAIRMAN. Without objection, the amendment will be withdrawn, and the Clerk will read.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$17,500 of any tribal funds on deposit to the credit of the Indians of the San Carlos Reservation in Arizona, and to expend the same for the operation and maintenance of pumping plants for irrigating the lands of the Indians on the said reservation, and for the installation of a tank or tanks for the economical handling of fuel oil for said pumping plants: *Provided*, That the sum so used shall be reimbursed to the tribe under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. LITTLE. Mr. Chairman, I move to strike out the last word for the purpose of asking a question for information. What is the extent of this irrigation?

Mr. HAYDEN. About 1,400 acres in the Gila Valley, on the San Carlos Reservation. The Indians are the San Carlos Apaches.

Mr. LITTLE. How long have they been there?

Mr. HAYDEN. These Indians were placed on the San Carlos Reservation when they were rounded up by Gen. Cook along early in the eighties. A good deal of difficulty has been

experienced in getting the water out of the stream. Several heavy floods changed the bed of the river and destroyed the heading of their irrigation canal, so that it was necessary to establish pumping plants. One object of this appropriation is to install a tank, so that they can buy and store the fuel for the pumps in carload lots, in that way saving considerable sums of money.

Mr. LITTLE. They have been using oil before, then?

Mr. HAYDEN. Yes. This is to save money by putting in a tank so that they can buy their oil in wholesale quantities. This appropriation is from their own funds, and it is being made to supplement expenditures heretofore made by the Government.

Mr. LITTLE. How does the work of these Apache Indians compare with that of the Pueblo Indians?

Mr. HAYDEN. About the same.

Mr. LITTLE. They are getting the same results?

Mr. HAYDEN. Yes. The Apaches do excellent work on road construction in Arizona. Wherever they are employed on works of that kind they do very well.

Mr. LITTLE. They can work, then, as well as they used to fight?

Mr. HAYDEN. Yes.

Mr. FOSTER. Will the gentleman from Arizona yield for a question?

Mr. HAYDEN. Yes.

Mr. FOSTER. Why is this language in the proviso:

Provided, That the sum so used shall be reimbursed to the tribe under such rules and regulations as the Secretary of the Interior may prescribe.

Mr. HAYDEN. The fund we are appropriating is derived from receipts from grazing leases on this reservation, and it belongs to the entire tribe. They have an income of about \$100,000 a year. The fund belongs to all the Indians, and it is proposed to take some of this money and use it for the benefit of a part of them. That being the case, whenever their lands are sold or other arrangements are made, these particular Indians should reimburse the whole tribe for this expenditure made for their benefit.

Mr. FOSTER. It means that the individual Indians will reimburse the whole tribe?

Mr. HAYDEN. Yes.

Mr. CARTER of Oklahoma. Each Indian pays his own way.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

The committee informally rose; and Mr. GARRETT of Tennessee having taken the chair as Speaker pro tempore, a message in writing from the President of the United States, by Mr. Sharkey, one of his secretaries, informed the House of Representatives that the President had approved and signed bills and joint resolutions of the following titles:

January 1, 1919:

H. R. 13153. An act extending the time for the construction of a bridge across the Arkansas River, at the foot of Garrison Avenue, at Fort Smith, Ark.; and

H. J. Res. 356. Joint resolution authorizing payment of the salaries of officers and employees of Congress for December, 1918.

January 7, 1919:

H. R. 13261. An act providing for the transportation from the District of Columbia of governmental employees whose services no longer are required; and

S. J. Res. 187. Joint resolution providing for the filling of a vacancy in the Board of Regents of the Smithsonian Institution of the class other than Members of Congress.

INDIAN APPROPRIATION BILL.

The committee resumed its session.

The Clerk read as follows:

The Secretary of the Interior is hereby authorized to withdraw from the Treasury of the United States the sum of \$17,500 of any tribal funds on deposit to the credit of the Indians of the Fort Apache Reservation in Arizona, and to expend the same, in connection with an equal sum of the funds appropriated in this act for Indian school and agency buildings, for reconstructing, repairing, and improving the power plant and irrigation system on the Fort Apache Indian Reservation, Ariz.: *Provided*, That the tribal funds so expended shall be reimbursed to the tribe under such rules and regulations as may be prescribed by the Secretary of the Interior: *And provided further*, That the sum of \$17,500 of the amount appropriated in this act for Indian school and agency buildings is hereby set apart and reserved for this purpose.

Mr. LITTLE. Mr. Chairman, I reserve a point of order in order to ask the chairman of the committee a question. How many people are connected with this appropriation—how many Indians will be served by it?

Mr. HAYDEN. Does the gentleman want to know how many Indians there are on the Fort Apache Reservation?

Mr. LITTLE. How many are connected with this appropriation?

Mr. HAYDEN. About 2,500.

Mr. LITTLE. They are Apaches, I suppose?

Mr. HAYDEN. Yes.

Mr. LITTLE. How extensive is the irrigation plant?

Mr. HAYDEN. It is not altogether an irrigation matter, but is also for the improvement of the water-power plant, which was built some 15 years ago to furnish light and power and domestic water for the agency. The plant is in very bad shape. By reason of the fact that the Indians are receiving considerable sums of money from grazing fees, it is proposed that they shall pay one-half of the cost of this improvement.

Mr. LITTLE. How many white people are there?

Mr. HAYDEN. Only the employees of the Indian Service.

Mr. LITTLE. About how many?

Mr. HAYDEN. The superintendent and the teachers—I should say perhaps 25.

Mr. LITTLE. This appropriation says, "for reconstructing, repairing, and improving the power plant and irrigation system."

Mr. HAYDEN. There is a small irrigation system at Fort Apache, which, when completed, will water about a section of land.

Mr. LITTLE. Where do they get the water?

Mr. HAYDEN. They get it from White River.

Mr. LITTLE. They have nothing but a garden to irrigate?

Mr. HAYDEN. That is about all. I think they grow some corn and forage for horses.

Mr. LITTLE. Is it grown by white people or by Indians?

Mr. HAYDEN. Oh, this is in the heart of the Indian country, and the crops are all grown by Indians.

Mr. LITTLE. Mr. Chairman, I withdraw the reservation of a point of order.

The Clerk read as follows:

Sec. 3. For support and civilization of Indians in California, including pay of employees, \$42,000.

Mr. GARD. Mr. Chairman, I move to strike out the last word for the purpose of asking a question and obtaining information relative to this very general item of "support and civilization" of the Indians in California, and to ask what are the processes of civilization. Here is \$42,000 for undisclosed processes of civilization. I would like to get some information as to what those processes are.

Mr. CARTER of Oklahoma. I will say to the gentleman from Ohio that this item, like charity, covers a multitude of sins.

Mr. GARD. I thought there was some one from California who might enlighten me.

Mr. RANDALL. Let me say that the mere fact that they are allowed to remain in California has a civilizing influence.

Mr. GARD. I have no doubt of that, but I do not understand that that calls for financial outlay. The mere privilege of remaining there is something that the white people have to pay a good deal for, I know, in a State of irrigation, imagination, and exaggeration. [Laughter.] Is there anyone that can inform me on this subject?

Mr. CARTER of Oklahoma. Does the gentleman want an explanation of how this is used?

Mr. GARD. What do they do that calls for \$42,000?

Mr. CARTER of Oklahoma. They may do anything necessary for the civilization of the Indian.

Mr. HASTINGS. The record shows that there are 15,000 Indians in California.

Mr. FOSTER. There is no law for the appropriation of money for civilization of Indians.

Mr. HASTINGS. That is the term used. "Support and civilization" is a broad term to cover the service to the Indians.

Mr. ELLSWORTH. If the gentleman will permit, I think if gentlemen would read through the bill, taking the different items for support and civilization, taking the conditions that exist, they will conclude that this means the paying of employees in the Indian Service. While a good portion of the money gets to the Indians and they get sustenance out of it, the gentleman will find that in many instances they do not get it.

Mr. GARD. If it is for the employees, why not say so candidly, instead of covering it up under the term "civilization"?

Mr. CAMPBELL of Kansas. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes.

Mr. CAMPBELL of Kansas. I will give the gentleman an itemized account of just how the Indians in California are civilized.

Mr. GARD. I shall be very glad to learn that, I am sure.

Mr. CAMPBELL of Kansas. Salaries, wages, and so forth, \$17,787.28.

Mr. GARD. Pardon me there. That I presume is for salaries and for wages of employees.

Mr. CAMPBELL of Kansas. That is for the white people. Traveling expenses, \$2,594.84.

Mr. GARD. That makes \$20,000, about.

Mr. CAMPBELL of Kansas. Transportation of supplies. That is for the benefit of the Indians—

Mr. ELLSWORTH. If they ever get there.

Mr. CAMPBELL of Kansas. If they ever get there—\$706.67. Telegraphic and telephonic service—the Indians are great on telephoning—\$412.28. Printing, binding, advertising, and so forth, \$8.25.

Mr. GARD. They are strong advertisers.

Mr. CAMPBELL of Kansas. Yes; they boost their business. Subsistence supplies—that, I suppose, is for supplies that go to the agency, including the officials, the white people, who are there—\$5,925.56. Dry goods, clothing, and so forth, \$552.11. Forage, \$1,330.03. Fuel, lubricants, power, light, and so forth—this is California, you understand, and the amendment has not taken effect over there yet.

Mr. GARD. But will the gentleman—

Mr. CAMPBELL of Kansas. Oh, I shall get to the civilization part of it pretty soon. That is in this item—\$3,513.76—medical supplies, education, and stationery, and so forth. There is the civilization—the second item in that.

Mr. GARD. How much is the educational, and so forth?

Mr. CAMPBELL of Kansas. Out of that there are \$3,169.31. Miscellaneous—probably there is some civilization in that.

Mr. GARD. That is comprehensive enough to include civilization.

Mr. CAMPBELL of Kansas. Five hundred and ninety-one dollars and eighty-one cents. Outstanding liabilities, \$1,189.81; making a total of \$41,966.21. That is the amount expended in the last fiscal year for support and civilization.

Mr. GARD. Mr. Chairman, I thank the gentleman from Kansas for the information that he has furnished me, but I yet have no information as to the actual benefit in civilization which comes to these Indians in California, except the item which may include some education and medical supplies. The balance of it seems to have gone for the aggrandizement of the great white brother.

Mr. CAMPBELL of Kansas. If the gentleman from Ohio will follow this bill closely, he will find in every item that is for the support and civilization of Indians on Indian reservations that from 85 or 87 per cent of it goes to the white officials. The department asked for \$50,000 in this item and the committee cut it down to \$42,000, practically what it was last year. You can not pry the department loose with a crowbar from these agencies.

Mr. GARD. I do not desire to pry the department loose, but it seems to me there ought to be some more material benefits to go to the Indians for whose benefit these appropriations are made, instead of its going to the white man, who fastens himself on this department and refuses to be pried loose, in the language of the gentleman from Kansas.

Mr. CAMPBELL of Kansas. The gentleman from Ohio is correct.

The CHAIRMAN. The time of the gentleman from Ohio has expired.

Mr. HASTINGS. Mr. Chairman, I ask unanimous consent that the time of the gentleman may be extended for five minutes.

Mr. GARD. I would be perfectly willing to take the five minutes, though I do not want it for anything except to ask some questions.

The CHAIRMAN. The gentleman from Oklahoma asks unanimous consent that the gentleman from Ohio may proceed for five minutes. Is there objection?

There was no objection.

Mr. HASTINGS. Mr. Chairman, I want to say to the gentleman from Ohio that a great many of us are interested, and for that matter for years have been trying to decentralize things here in Washington. If you take all of these Indian tribes, you will find the trouble is that there is too much of administration and not enough of civilization. You can not build a henhouse out on a reservation anywhere in the United States without first having the matter go through the local superintendent, who then sends it on up here to Washington for approval. That means that you have got to have a great many officers on every reservation. It means a disproportionate part of these appropriations is expended for salaries, for clerical force, and things of that kind. A great many of us have been inveighing against this for some time.

Mr. GARD. The gentleman thinks that the amount is disproportionate.

Mr. HASTINGS. I am sure of it, and I am glad to have the sympathetic interest of the gentleman from Ohio; and if we could get the gentleman from Ohio and other Members of the House to join with us we might get some little legislation that

would enable somebody outside of the city of Washington to have some final authority on something.

But there is no man on any Indian reservation, so far as I know, who has got any final authority on anything, and for that reason you have got to have Indian agents, you have got to have stenographers, you have got to have a clerical force, and too much of this money, running in practically every item, is spent in correspondence backward and forward between the various agencies and the department here. Now we have got to get a little additional legislation so as to compel the Indian Office here to give more authority to some of its representatives on the various reservations. You could decrease the clerical force here, you could decrease the number of employees, and then there would be more money to be used for education, more money for subsistence, and less money used for salaries out there and for wages. I thought this was an opportune time to answer the gentleman's question.

Mr. GARD. I am glad the gentleman did.

Mr. HASTINGS. I am very glad to take the opportunity to say this much at this time about it.

Mr. CURRY of California. Mr. Chairman, the trouble with this item is it is not big enough. Members on the floor of this House know what \$43,000 mean. If it had been \$43,000,000 they would have passed it and would not have said a word about it. I saw a two-billion-dollar bill passed here in about 20 minutes, and the rest of the day was taken up in a discussion of whether a clerk of this House should receive an extra compensation of \$250 that he had earned, and about half past 6 or 7 o'clock it went to a vote and he did not get his money. Now, the proposition is this: The Indians of California, most of them, are civilized; some of them are becoming uncivilized on account of overcivilization. I believe this money will be properly used for the education of the Indians and the payment of certain self-appointed understudies of the general overseer of the universe, who have a great respect for the Indian because there is a salary in it. Now, a few years ago a lady and a gentleman came to Washington, and they lobbied through an appropriation for the purchase of 640 acres of land in Sonoma County for a reservation for some Indians up in that part of the country. Well, I own a ranch up there—no; I did not sell the ranch to them—and those Indians were pretty well civilized and were getting along very well. They were taking care of themselves, working around on ranches and in the woods, and making a living and saving money; some raising horses, cattle, and chickens, and their children were sent to the district school. But that did not satisfy these people. They wanted to put them on a reservation, and they bought the land for the reservation from a man by the name of Nobles, a quarter-breed Indian. Now, those Indians had a little place of their own, a ranchee. On one end of the reservation lives an Indian by the name of Haupt, who owns 700 or 800 acres, and another by the name of Hayden and several other land-owning Indians live in the neighborhood and a couple of Norwegians.

I own 700 or 800 acres. Those Indians used to live around there and had a little place of their own and were making money, and the Lord knows what they do now except they are being kept on the reservation. Now, that is civilizing them to the queen's taste, I do not think. This \$43,000, I think, is for a proper purpose, although I do not think you have gone sufficiently into details of what it is for or where it is to be used. There are a number of Indians scattered all over California and a number of Indian reservations, and there are several Indian schools, and they are doing very well. As far as this \$43,000 is concerned, I do not know exactly where it is to be used.

Mr. SNYDER. Will the gentleman yield?

Mr. CURRY of California. I yield.

Mr. SNYDER. I would like to say to the gentleman that the justification for this item is in considerable detail.

Mr. CURRY of California. Then the gentleman who had the information ought to have given it.

Mr. SNYDER. It is here in the hearings.

Mr. CURRY of California. We all do not get the hearings.

Mr. SNYDER. But the gentleman can get them.

Mr. CURRY of California. Some of them sometimes we can. I have no doubt that the money ought to be appropriated the same as in other places—Oklahoma, Arizona, North and South Dakota, and so forth.

There are lots of uncivilized Indians being civilized, as I said before, and there are some civilized Indians being uncivilized. I say that the best thing the United States can do, and at as early a date as possible, is to give the Indians their allotments, turn them loose, and make free men and women of them, and let them take care of themselves. They can do it as well as we can care for them if we only give them a chance.

Mr. CAMPBELL of Kansas. I want to state to the gentleman from California that he describes a very happy condition of Indians, when a few uplifters went in among them, found them working for their neighbors and making a living for themselves and their children, and were sending their children to the schools—

Mr. CURRY of California. And saving money.

Mr. CAMPBELL of Kansas. And saving money. This \$42,000 is to pay the white men and women who are upon the agencies where these Indians are now assembled and are being decitizenized and unfitted for civilization and self-sustenance. That is the purpose of this appropriation, as it is on practically every other reservation scattered throughout the country.

Mr. CURRY of California. That is what I thought.

Mr. CAMPBELL of Kansas. It is for the pay of the salaries of the white officers who are there and trying to hold the Indians together and keep them out of civilization.

Mr. CURRY of California. That is what I thought. I thought I would get that explanation soon. But until you repeal the other acts you will have to appropriate this money, because you have prevented the Indians from making the living they were making before they were put on the reservations.

Mr. GARD. Not that I desire to pose as an obstructionist, because I confess I know very little about the matter stated in this Indian bill, I wish to say that as the disclosures made by the gentleman from Kansas [Mr. CAMPBELL] and the gentleman from California [Mr. CURRY] seem to indicate that in these matters, under the head of support and civilization of Indians, not alone in California but much more in the States of Arizona and New Mexico, where \$330,000 is evidently given in large proportion to those who inflict themselves on the body politic to keep the Indians out of civilization, I am constrained to make a point of order to the paragraph.

Mr. CARTER of Oklahoma. I hope the gentleman will not do that.

Mr. GARD. And not so much as it affects California, because I do not desire to do that. There should be some light of publicity, which this committee has not given and which this committee as a whole does not understand, which the House of Representatives does not know about all these things that are carried under cover here—large amounts of money of which we know absolutely nothing. I confess my entire ignorance, and I presume I am of the average of the House.

Mr. CARTER of Oklahoma. This is not a California matter, Mr. Chairman.

Mr. CURRY of California. Will you reserve that point of order for a moment?

Mr. GARD. I yield to the chairman of the committee first, and then I will yield to the gentleman from California.

Mr. CARTER of Oklahoma. Mr. Chairman, I hope the gentleman from Ohio will not insist on that point of order. It is not a California item. If there are any Indians in the United States that are entitled to consideration at the hands of this Government they are the Indians of the State of California. They owned largely the entire State several generations ago, and since that time they have been deprived of their patrimony by citizens of the United States who have moved into that country.

Mr. GARD. Will the gentleman yield to me just a moment?

Mr. CARTER of Oklahoma. I yield.

Mr. GARD. The patrimony, as disclosed by that which was read from the hearings by the gentleman from Kansas, was not patrimony of the Indian, but the patrimony of the white men and Indian agents.

Mr. CARTER of Oklahoma. If the gentleman will permit me a few moments, I think I can explain that.

These Indians went along in California—and they are the poorest Indians in the United States—until they had absolutely nothing left. And then the Government undertook to buy little tracts of land for them and to take care of them. That has been going on now ever since I came to Congress. Some of them are getting a few acres of land. One hundred and seventeen years ago, I think it was, perhaps, this Government embarked upon an Indian policy of supervising the affairs of the different Indians throughout the country in various ways; first, in taking care of his property and seeing that his white neighbor did not cheat him out of it; second, in educating the Indian, and in a great many other ways that I could explain to the gentleman if I had the time. Those appropriations were carried in this bill under the head of support and civilization. Several years afterwards the Indian Bureau was taken out from under the War Department and placed under the Department of the Interior, and those items have continuously since that time been carried as support and civilization of the Indian, not that the money

was given to the Indian to buy land or anything else. And really, if the gentleman wants to know the truth about it, I do not think that is a good thing. I think it is a better thing to give the money to the white man to teach the Indian to protect his property than it is to deliver to that Indian some meal or flour or other ration that will make him absolutely dependent upon the white man for his subsistence. I think it is the duty of the white man to teach the Indian, the duty of this Government to teach the Indian, to be self-sustaining.

Mr. GARD. Surely.

Mr. CARTER of Oklahoma. And he can never be taught to be self-sustaining if we rely upon the old policy of distributing rations, and that is what my friend from Kansas seems to indicate that these appropriations are made for. Now, they are not made for that purpose.

Mr. GARD. Mr. Chairman, will the gentleman pardon another question?

Mr. CARTER of Oklahoma. Yes.

Mr. GARD. It seems to me from the reading here that out of this total of \$42,000 only about \$3,000 worth of support and civilization actually reached the Indians, and the rest of it was halted on "the Great White Way."

Mr. CARTER of Oklahoma. The gentleman is in error about that. For instance, practically the whole appropriation is intended to go, and does go, for a good purpose for the Indians.

Mr. GARD. I am in entire sympathy with the remarks made by the gentleman's colleague from Oklahoma [Mr. HASTINGS], who seems to have a very excellent grasp on what should be done in this matter of essential administration.

Mr. CARTER of Oklahoma. There is no difference between my colleague from Oklahoma and myself on that proposition.

Mr. GARD. I trust not.

Mr. CARTER of Oklahoma. And I shall be very glad to have the help of the gentleman from Ohio at any time in the work of decentralizing the Indian Bureau. But what does the gentleman's point of order do? It simply cuts off from these poor Indians in California, who are good Indians, any assistance or help that they might receive in the next year.

Mr. GARD. I am asking entirely for personal information. Will the gentleman permit another question?

Mr. CARTER of Oklahoma. Surely.

Mr. GARD. Does the same proportion of salaries and pay of employees apply in the item of \$330,000, on page 18, for Arizona and New Mexico?

Mr. CARTER of Oklahoma. I doubt not. That is what it is intended for. It has never been the policy of the Federal Government for the last 15 or 20 years to appropriate money from the Federal Treasury to be divided among the Indians. The policy of the Government has been to appropriate money to try to educate the Indian and place upon him a personal responsibility. That can not be done by issuing rations.

Mr. GARD. Does the gentleman agree with his colleague from Oklahoma that we have gone too far in that direction?

Mr. CARTER of Oklahoma. Yes. I think some of our agencies are too highly organized, and I think they have always been too highly organized, and until Congress takes a strong stand and decentralizes that organization it will not be done.

Mr. HASTINGS. That takes legislation.

Mr. CARTER of Oklahoma. Yes. It takes legislation to decentralize them.

Mr. CURRY of California. Mr. Chairman, will the gentleman yield?

Mr. GARD. Yes; I yield.

Mr. CURRY of California. I hope the gentleman from Ohio will not make the point of order against this item. It would not be fair. The gentleman is a fair man. These Indians are now on these reservations, and they have got to have supervision. I will agree with the gentleman that if he will introduce a bill to decentralize this system and give the Indians a chance to take care of themselves I will give him what aid I can; but when we have legislated them away from independence and placed them on a reservation it would not be fair to prevent the appropriation of an amount of money sufficient for them to be properly supervised.

Mr. GARD. I do not seek to prevent any appropriation if it will do any good. The thing I am trying to get at is to arrive at some method by which this decentralization may be accomplished.

Mr. CURRY of California. That can not be done after you have enacted legislation and put the Indians on the reservation by stopping the appropriation to supervise them.

Mr. CARTER of Oklahoma. The gentleman's point of order, if the gentleman will permit, does not look toward decentralization, but rather looks toward further centralization, because if the point of order is sustained and this item is taken out of

the bill, no money can be expended at that agency whatever, but the Indian Bureau can still send its inspectors there from the bureau and send them back and forth, and therefore the Government will be more centralized than it was before.

Mr. GARD. I suspect that if the appropriation were withdrawn there would not be so many at the agency.

Mr. CARTER of Oklahoma. They would send inspectors out there, and it would involve a large traveling expense.

Mr. GARD. Then the gentleman thinks that the point of order should not be insisted on?

Mr. CARTER of Oklahoma. I think the gentleman will leave a lot of poor Indians and a lot of slack and rusty old Indians out there with nothing to lean on if he would insist on his point of order. That would be the result.

Mr. GARD. I am very glad to follow the advice of the chairman of the committee, and I withdraw the point of order.

The CHAIRMAN. The point of order is withdrawn. The Clerk will read.

The Clerk read as follows:

For the purchase of lands for the homeless Indians in California, including improvements thereon, for the use and occupancy of said Indians, \$20,000, said funds to be expended under such regulations and conditions as the Secretary of the Interior may prescribe.

Mr. ELLSWORTH. Mr. Chairman, I propose to amend this paragraph by striking out, on page 23, line 19, the figures "\$20,000" and inserting "\$5,000."

The CHAIRMAN. The gentleman from Minnesota offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. ELLSWORTH: Page 23, line 19, strike out "\$20,000" and insert "\$5,000."

Mr. ELLSWORTH. Mr. Chairman, \$20,000 was the amount carried in the last appropriation bill for this purpose. Mr. Meritt, the assistant commissioner, stated that he believed that the entire amount of the estimate would be needed for the purchase of the land for homeless Indians in California for the fiscal year 1920. Last year, or for the fiscal year ending June 30, 1918, there was expended \$250.80.

Mr. LITTLE. For land?

Mr. ELLSWORTH. There was expended out of this item \$250.80. An analysis of the expenditure shows that of \$250.80 the sum of \$200 was invested in land for homeless Indians in California, and the expense of investing \$200 for land for homeless Indians was, traveling expenses, \$43.90, or about one-fifth of what the land itself cost, and \$6.90 miscellaneous. Now, in a community such as most of us live in, and under the existing conditions outside of the Indian Bureau of the United States, and in almost any other governmental sphere excepting the Indian Bureau, I do not believe it would take over \$50 to purchase \$200 worth of land for homeless Indians. It seems to me that there ought to be some way by which the Government could purchase a lot—I presume this was a lot—for a homeless Indian to build a shack on in which to live without having to expend more than one-fourth of what the land itself cost for expenses. If, finally, we do get land for all these 2,700 Indians of this tribe in California who expect to be furnished homes by this Government some day, at \$300 apiece the land will cost \$810,000, and at the same ratio it will cost about \$200,000 for expenses in purchasing the land. It seems to me this item ought to be reduced. It was not spent last year. There is nothing that I can see to show that there will be any more expended in any more judicious way in the future than it has been in the past.

Mr. HAYDEN. Mr. Chairman, I sincerely trust that the amendment the gentleman from Minnesota offers will not prevail. True, the Indian Office did not expend hardly any money out of this appropriation last year. It is also true that we were at war, and that conditions were such that they could not make the progress that should have been made in the purchase of land for these poor and homeless Indians. That is the information given me by the Indian Office.

Mr. George Wharton James, of Pasadena, Cal., whose interesting books about the Mission and other Indians many of you have read, called on me a few days ago and inquired about this particular appropriation. Mr. James urged the importance of finishing up the work of supplying lands to the homeless Indians of California. He told me that a number of friends of the Indians in that State, among them Dr. David Starr Jordan, of Stanford University, intended to tender their services to the Indian Office to see that this work was promptly completed so that the Indians could soon be placed on land where they might live in some sort of comfort. The Indian Office states in the hearings that there remain about 2,700 Indians in California for whom land should be purchased. With this amount and the sum that is available in the unexpended balance it ought to be possible to take care of a considerable number of them in the

course of the next fiscal year. I am sure that Mr. James and his associates in California will be glad to assist the Indian Office so that this money may be expended in a way that will confer the largest possible benefit to the Indians. Such being the case, we ought to make this appropriation of \$20,000, thereby carrying out a policy that Congress adopted some years ago.

Mr. GARD. I notice that \$10,000 is the sum estimated, whereas \$20,000 was the sum asked for.

Mr. HAYDEN. The Indian Office asked for a reappropriation of the unexpended balance of \$20,000, which, with the \$10,000 mentioned by the gentleman from Ohio, would amount altogether to about \$30,000. Instead of that we appropriated \$20,000, which is in truth a cut under the estimates of \$10,000.

Mr. RANDALL. Mr. Chairman, I have heard a great many gentlemen on this floor criticize the expenditures because they were lavish, but this is the first time I ever heard an administration officer criticized for not spending the money. Does the gentleman from Minnesota think that this \$47 was devoted wholly to the purchase of the \$250 worth of land? Probably some of it was expended for inspection of other tracts which were not purchased, in the interest of economy, and that the Government saved money by the expenditure of this \$47.

Mr. ELLSWORTH. The amount was \$200 worth of land and not \$250, and the travel and miscellaneous expenses amounted to \$50.

Mr. RANDALL. But the \$50 probably was not devoted entirely to the purchase of this land but in the inspection of other tracts which might have been purchased if they had been perfectly satisfactory in price.

Mr. ELLSWORTH. It seems to me that when an amount of money is appropriated for expenses in the purchase of land, if an official gives testimony before a committee of Congress he should be intelligent enough, if his expense was for something else than the purchase of the land, to so state.

Mr. RANDALL. If the gentleman will permit, the gentleman will understand that probably the inspection of other tracts was involved in this expenditure. I trust, Mr. Chairman, that the amendment will not prevail.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota.

The question was taken, and the amendment was rejected.

The Clerk read as follows:

For reclamation and maintenance charge on Yuma allotments, \$131,564.94, to be reimbursed from the sale of surplus lands or from other funds that may be available, in accordance with the provisions of the act of March 3, 1911 (36 Stat. L., 1063).

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. I have looked at the hearings on this item and find that this is to repay the Reclamation Service this amount. It is quite common for the Reclamation Service to take over reclamation projects on Indian reservations, develop them, have them charged against the Indian Service, and then later paid for their aliquot share?

Mr. HAYDEN. Wherever Indian lands are included within reclamation projects arrangements are made for the irrigation of those lands along with the lands of the white people. As it happens, the Laguna Dam on the Colorado River is located just above this reservation. The main canal passes through the Yuma Reservation, and then the water goes by syphon under the Colorado River, where it is used to irrigate other lands in Arizona, making up the greater part of the project. The cost to the Indian is just the same per acre as that of the white man. The reclamation project is complete, and the amounts due from the white people are being collected. This appropriation is for the purpose of paying the Indian's share in the same ratio as the white people pay.

Mr. STAFFORD. In the hearings I notice that the Reclamation Service asked that the amount charged against the Indian lands be paid in a certain length of time. Heretofore the Bureau of Indian Affairs has not provided similar payments, the appropriation last year being \$10,000.

Mr. HAYDEN. Fifteen thousand dollars, but that was for operation and maintenance, while this appropriation is to pay the cost of construction.

Mr. STAFFORD. And at the end of 10 years the Indians will be relieved of all liability to the Reclamation Service, and whenever the land is sold it will be sold free from any charges to the Reclamation Service.

Mr. HAYDEN. Yes; and this is the same charge that the white man pays.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

FLORIDA.

Sec. 4. For relief of distress among the Seminole Indians in Florida, and for purposes of their civilization and education, \$20,000, including the construction and equipment of necessary buildings.

Mr. STAFFORD. Mr. Chairman, I move to strike out the last word. Last year there was a limitation on the appropriation that this expenditure for the building of the Seminole Indians in Florida should be on lands set aside for their use by the State. Why has not that authorization been carried in this bill?

Mr. TILLMAN. Since the last appropriation bill the State of Florida has given to the Seminole Indians 100,000 acres of land and the Government has given them 25,000 acres of land. It is proposed to make whatever improvements are made upon the land belonging to the Seminoles.

Mr. STAFFORD. Mr. Chairman, I withdraw the pro forma amendment.

The Clerk read as follows:

That the Secretary of the Interior be, and he is hereby, authorized to pay to the authorities of Kansas City, Kans., the sum of \$1,000 in consideration of the agreement of said authorities forever to maintain and care for the Huron Cemetery, a tract of land in the city of Kansas City, Kans., owned by the Government of the United States, the use of which was conveyed by treaty to the Wyandotte Tribe of Indians as a cemetery for members of said tribe, such payment to be made from the \$10,000 appropriated for the preservation and improvement of said cemetery by the act of September 8, 1916 (39 Stat. L., 844).

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. LITTLE. Mr. Chairman, I reserve all points of order. I will ask the chairman concerning this item to let it go over until to-morrow. The bill does not quite agree with the suggestions of Mr. Meritt, the assistant commissioner, before the committee. I think the language means the same, but it does not quite agree, and I took it up with him over the phone. He promised to look it up, and I have wired the city commissioners and the mayor. It is just a question of the language, and I wish that the committee would let the matter go over until in the morning.

Mr. HAYDEN. Mr. Chairman, we have no objection to passing this item over without prejudice.

The CHAIRMAN. The gentleman from Kansas asks unanimous consent that this item be passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

MINNESOTA.

Mr. ELLSWORTH. Mr. Chairman, I move to strike out the last word, and I ask unanimous consent that all of the items relating to the Indians in Minnesota be passed over without prejudice.

The CHAIRMAN. The gentleman from Minnesota asks unanimous consent that the Minnesota items be passed over without prejudice. Is there objection?

There was no objection.

The Clerk read as follows:

MISSISSIPPI.

Sec. 9. That the unexpended balance of the appropriation of \$75,000 for the full-blood Choctaw Indians of Mississippi in the Indian appropriation act of May 25, 1918, is hereby reappropriated for the same purposes for which originally appropriated and for aiding the common schools attended by the children of said Indians under rules and regulations prescribed by the Secretary of the Interior.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on the paragraph.

Mr. FOSTER. Mr. Chairman, I ask unanimous consent that the paragraph go over until to-morrow, when the gentleman from Mississippi [Mr. HARRISON] is present.

The CHAIRMAN. The gentleman from Illinois asks unanimous consent that this paragraph be passed over until the next sitting of the committee. Is there objection?

There was no objection.

The Clerk read as follows:

That so much of the Indian appropriation act of March 1, 1907 (34 Stat. L., pp. 1015 and 1035), as relates to the disposal of surplus unallotted lands within the Blackfeet Indian Reservation in Montana is hereby repealed, and the Secretary of the Interior is authorized to make allotments under existing laws within the said reservation to any Indians of said Blackfeet Tribe not heretofore allotted, living six months after the approval of this act, and thereafter to prorate all unallotted and otherwise unreserved lands therein among the Indians who have been allotted or may be entitled to rights within said reservation: *Provided*, That of the lands so allotted 80 acres of each allotment shall be designated as a homestead by the allottee and be evidenced by a trust patent and shall remain inalienable until Congress shall otherwise direct: *Provided further*, That the Blackfeet tribal rolls shall close as of six months after the approval of this act, and thereafter no additional names shall be added to said rolls: *Provided*, That nothing herein shall be construed to repeal the grants of land made by the act of March 1, 1907, to religious institutions and to the State of Montana.

for school purposes, nor repeal the authority of the Secretary of the Interior to dispose of any land within said reservation suitable for town-site purposes, as provided by that act: *Provided*, That the State of Montana in making indemnity school selections shall be confined to nonmineral and nonirrigable lands: *Provided further*, That the provisions of the act of March 1, 1907, which require a division of the funds received from the sale of the surplus lands immediately upon the date of the approval of the allotments of land are hereby repealed: *Provided*, That the lands within said reservation, whether allotted, unallotted, reserved, set aside for town-site purposes, granted to the State of Montana for school purposes, or otherwise disposed of, shall be subject to all the laws of the United States prohibiting the introduction of intoxicants into the Indian country until otherwise provided by Congress: *Provided*, That the lands may be leased by the allottee for mineral purposes, under such rules and regulations and upon such terms and conditions as the Secretary of the Interior may prescribe: *Provided further*, That allotments herein provided for shall be made under such rules and regulations as the said secretary may prescribe, and trust patents shall be issued therefor as provided by the aforesaid act of March 1, 1907, except as to the homestead hereinbefore mentioned.

Mr. STAFFORD. Mr. Chairman, I reserve the point of order on this paragraph. I think some very full explanation should be made of the reason for this legislation providing virtually for reallocation of the unallotted lands of the Blackfeet Indian Reservation.

Mr. HAYDEN. Mr. Chairman, I will say to the gentleman that this legislation is inserted at the suggestion of the Indian Office and at the request of the Indians on the reservation. As the law now stands provision is made for the disposition of the surplus lands on this reservation after each Indian has received a certain allotment. The Indians say that this is preeminently a stock-raising country, and that the lands are not suitable for agriculture. The Indian Office encourages them in that opinion. That being the case, the Indians would be better satisfied and better off if they were given larger allotments of this land, if it was divided among them, rather than having the surplus land sold to white people. This legislation repeals the present law, which authorizes the sale of the surplus lands, and provides for a reallocation of such lands among the Indians.

Mr. STAFFORD. What is the total area of the unallotted land to which this section applies?

Mr. HAYDEN. It is enough to give about 450 acres to each Indian.

Mr. STAFFORD. Some of the land has already been allotted to some of the Indians?

Mr. HAYDEN. Yes. This legislation provides for a new tribal roll, as of date six months after the passage of this act. It would make that the final roll, and then the Indian Office would proceed with allotments from that roll to wind up the affairs of these Indians so far as their land is concerned; that is, dividing up and passing title to all of the land among all of the Indians.

Mr. STAFFORD. I notice that as to some of the lands that will be allotted it is merely the homestead of 80 acres which is to be inalienable.

Mr. HAYDEN. That is in accordance with the policy of the department on other reservations, for the department will not permit an Indian to dispose of his homestead. He might dispose of his surplus lands if he is competent to do so. That policy is followed so that an allotted Indian will never be without a home.

Mr. STAFFORD. As soon as these lands are allotted and the title has been confirmed in the Indian, he is privileged to sell the lands other than the 80-acre tract?

Mr. HAYDEN. If he gets the approval of the Indian Office. Being an incompetent Indian, as most of the Blackfeet are, he would have first to get permission to sell from the Indian Office.

Mr. STAFFORD. Are most of these Indians incompetents?

Mr. HAYDEN. Yes, sir.

Mr. STAFFORD. What are they now engaged in for a living?

Mr. HAYDEN. Stock raising, as a rule.

Mr. STAFFORD. Have they much funds to their credit in the Treasury?

Mr. HAYDEN. There is a statement in the hearings which gives the amount of funds in the Treasury to the credit of the Blackfeet Tribe. Apparently they have on hand \$45,544 and estimated receipts for next year \$48,000, making a total income of \$93,544. I presume that comes from the lease of their grazing lands. I do not know where else it would come from.

Mr. STAFFORD. Is the gentleman acquainted as to whether any of this land is mineral land?

Mr. HAYDEN. I do not know anything about that.

Mr. CHANDLER of Oklahoma. I desire to call attention to the statement just made in regard to these Indians having on hand \$47,000, or something like that, but that does not include all of it. You will notice lower down that they have something like \$254,000 a year of interest at 4 per cent on their invested funds, so they undoubtedly have several million dollars.

Mr. STAFFORD. How much land up to the present time has been allotted to these Indians?

Mr. HAYDEN. I think each Indian heretofore was allotted a half section of land, or 320 acres, and this legislation would increase the full allotment to 450 acres to the individual Indian.

Mr. STAFFORD. Including the 320 he heretofore received?

Mr. HAYDEN. The full allotment would approximate about 450 acres.

Mr. STAFFORD. This land is grazing land?

Mr. HAYDEN. Yes, sir.

Mr. STAFFORD. Now, reverting to the inquiry as to whether there is any mineral land, I notice that the provision authorizes the allottee to lease the land for mineral purposes subject to the approval of the Secretary of the Interior. Has the gentleman any information that there are any mineral deposits in this reservation?

The CHAIRMAN. The time of the gentleman has expired.

Mr. STAFFORD. I ask for five minutes more.

The CHAIRMAN. Is there objection? [After a pause.] The Chair hears none.

Mr. CHANDLER of Oklahoma. Mr. Chairman, I brought that matter out in the hearings. I was informed some time before that that there was a little production of oil 50 or 70 miles north of that, and I asked Assistant Commissioner Meritt if there were any minerals underlying that land. He stated none that he knew of, and this provision was put in there on my suggestion that there was a possibility of oil production in the future. Even if they should drill up near the line of allotment it is necessary for the Indian to come here and secure legislation, and he might be very materially damaged; therefore, I thought it best to have a provision of this character in there so as to take care of any possible future need.

Mr. STAFFORD. Mr. Chairman, this is a very important item. Still the gentleman has furnished information which I believe shows it is in the interest of the Indian.

Mr. CARTER of Oklahoma. I think the gentleman from North Dakota, who lives in that section of the country, can possibly give the gentleman some more information.

Mr. STAFFORD. What is the character of this land? Are there any mineral deposits in it?

Mr. GANDY. No; not to my knowledge, there are not any minerals developed, oil, gas, or anything of that kind.

Mr. CARTER of Oklahoma. It has just a little coal.

Mr. GANDY. At some places there is a little lignite coal.

Mr. STAFFORD. The gentleman believes it is for the best interest of the Indians to grant them the larger unit of allotment?

Mr. GANDY. Well, I confess I have had some doubts in my mind on that, but it is their own land.

Mr. STAFFORD. Mr. Chairman, I withdraw the reservation of the point of order.

The CHAIRMAN. The Clerk will read.

The Clerk read as follows:

For road and bridge construction on the Mescalero Indian Reservation, in New Mexico, including the purchase of material, equipment, and supplies; the employment of labor; and the cost of surveys, plans, and estimates, if necessary, \$25,000, to be immediately available and to be reimbursed from any funds of the Indians of said reservation now or hereafter on deposit in the Treasury of the United States: *Provided*, That Indian labor shall be employed as far as practicable.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph just read. Is this the same road that was authorized in the last year's appropriation act in which the State or other agency was to contribute one-half of the cost?

Mr. WALTON. No, sir. The road extends from the railroad station at Tularosa to a short distance within the reservation lines. It is entirely a separate proposition.

Mr. STAFFORD. This is within the reservation?

Mr. WALTON. It is within the reservation.

Mr. STAFFORD. I withdraw my reservation of the point of order.

The Clerk read as follows:

Sec. 15. For support and education of 160 Indian pupils at the Indian school at Cherokee, N. C., including pay of superintendent, \$37,800; for general repairs and improvements, \$6,000; in all, \$43,800.

Mr. FOSTER. Mr. Chairman, I move to strike out the last word. As I understand that, last year we appropriated for 200 pupils down there and this year for 160.

Mr. HAYDEN. The record shows that the capacity of the school was but 160 pupils, and the average attendance was only 151.

Mr. FOSTER. You had too much last year, and so this year you raised the amount but lessen the number to be educated; is that it?

Mr. HAYDEN. The committee allowed an increase this year in the per capita amount for the maintenance of nearly all of

the Indian schools, but in some cases we reduced the number of pupils to correspond to about the average attendance or the capacity of the school.

Mr. FOSTER. You this year appropriate for just half the number you did last year, and you have raised the appropriations from \$33,600 to \$37,800 and from \$39,600 to \$43,000. Then I suppose in the proportion that the number of pupils decreases the appropriation increases?

Mr. HAYDEN. The Indian Office estimated for \$46,800 for that school, and, including the repairs and improvements, asked for a total of \$52,800. The committee cut the estimate \$9,000.

Mr. FOSTER. I was just curious to know how you arrived at 50 per cent less pupils.

Mr. HAYDEN. Not 50 per cent.

Mr. FOSTER. You appropriated last year—

Mr. HAYDEN. For 200 pupils and this year for 160, a reduction of 40 pupils.

Mr. FOSTER. I wondered as the Indian pupils decreased why the appropriations increased.

Mr. HAYDEN. The committee decreased the number of pupils but increased the per capita cost.

Mr. FOSTER. That is what I wanted to know.

The Clerk read as follows:

Provided, That not exceeding \$5,000 of the amount reappropriated by the Indian appropriation act for the fiscal year 1919 (40 Stat. L., p. 577) for employees' quarters may, in the discretion of the Secretary of the Interior, be used for the purchase of the Baker cottage and grounds adjoining the Indian school grounds.

Mr. FOSTER. Mr. Chairman, I reserve a point of order on that.

Mr. GANDY. Mr. Chairman, the Indian appropriation act referred to in this paragraph appropriated \$10,000 for the erection of a building that, I believe, was to be used as employees' quarters. The gentleman from North Dakota [Mr. NORTON], who is a member of the committee—

Mr. FOSTER. How many employees are there?

The CHAIRMAN. Does the gentleman from South Dakota make a point of order?

Mr. FOSTER. I made the point of order, but I reserve it for a moment.

Mr. GANDY. I am unable to give the gentleman offhand the number of employees. The number appears in the hearings. The gentleman from North Dakota [Mr. NORTON] stated that this cottage is really in what used to be a part of the Indian grounds. It was sold at one time, and, in his judgment, the home of Capt. Baker could be purchased for \$5,000; that it was amply large to meet the requirements of the school; that it is right at the edge of the Indian grounds; and that as heretofore there was \$10,000 appropriated for the building. If they could purchase this for \$5,000, they could save \$5,000 of the former appropriation.

Mr. FOSTER. Save \$5,000?

Mr. HAYDEN. The gentleman from North Dakota [Mr. NORTON] was of the opinion the Government could save money by buying this house that adjoins the school, rather than putting up a new building. That is the whole purpose of the appropriation.

Mr. SNYDER. Will the gentleman yield?

Mr. FOSTER. I will.

Mr. SNYDER. I will say that the gentleman from North Dakota [Mr. NORTON], after careful questioning on the part of the committee, without a stenographer in attendance, said to those present that this was the wise thing to do. The building is badly needed at the present time, and the amount seemed to be a satisfactory amount to cover the building that he proposed to have the department buy.

Mr. FOSTER. Is it just a building there?

Mr. SNYDER. It is a building right adjacent to the school grounds.

Mr. FOSTER. Who is this man Baker?

Mr. SNYDER. He is a man that lives up there in that country.

Mr. FOSTER. Has he been connected with Indian Affairs?

Mr. SNYDER. He does not want to sell his property especially, and we have no request from the Indian Bureau to buy it from him. It is simply a suggestion on the part of the gentleman from North Dakota [Mr. NORTON].

Mr. FOSTER. How much land has he?

Mr. SNYDER. This is right within the reservation—on the property.

Mr. FOSTER. He has some land?

Mr. SNYDER. Yes; he has some land. It is not of much account.

Mr. CHANDLER of Oklahoma. I think the gentleman from North Dakota [Mr. NORTON] said there were 30 acres of land.

Mr. CARTER of Oklahoma. The hearings show that there are 13 employees. The amount, which I understand is \$5,000, is to be appropriated for the purchase of this cottage or house.

If the gentleman will permit further, I will say to him that the gentleman from North Dakota [Mr. NORTON] seemed to think that this was the proper thing to do, and I have always found it fairly safe to follow a Member of Congress about a matter of that kind, because he usually has more information on the proposition in his own State than others may have.

Mr. FOSTER. Sometimes they are a little enthusiastic.

Mr. CARTER of Oklahoma. The gentleman will admit that \$5,000 for 13 employees is not excessive.

Mr. SNYDER. The gentleman from North Dakota was personally familiar with the proposition.

Mr. FOSTER. I wondered if there was a house there that this man was living in that would supply quarters for 13 people—an ordinary family residence.

Mr. HASTINGS. The gentleman from North Dakota said he personally visited and inspected this property, and he thought it was ample.

The CHAIRMAN. Does the gentleman from Illinois insist on his point of order?

Mr. FOSTER. No. I withdraw the point of order.

The CHAIRMAN. The gentleman from Illinois withdraws the point of order. The Clerk will read.

The Clerk read as follows:

That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$676, to reimburse Benson County, N. Dak., for money actually paid by said county to the State of North Dakota for care of three insane Indians, Mary Josephine Peji-hutaskana, Alfred Littlewind, and Joseph Langer, in the North Dakota State Insane Asylum.

Mr. STAFFORD. Mr. Chairman, I reserve a point of order on the paragraph.

Mr. CARTER of Oklahoma. Mr. Chairman, I move that the committee do now rise.

The CHAIRMAN. A point of order is reserved on the last paragraph read. The gentleman from Oklahoma [Mr. CARTER] moves that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. CRISP, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 14746) making appropriations for the current and contingent expenses of the Bureau of Indian Affairs, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June 30, 1920, and had come to no resolution thereon.

LEAVE OF ABSENCE.

Mr. GOODALL, by unanimous consent (at the request of Mr. PETERS), was granted leave of absence, indefinitely, on account of serious illness in his family.

PRESIDENT'S MESSAGE—PANAMA CANAL.

The SPEAKER laid before the House the following message from the President of the United States, which was read and ordered printed and, with the accompanying document, referred to the Committee on Interstate and Foreign Commerce:

To the Senate and House of Representatives:

I transmit herewith, for the information of the Congress, the annual report of the Governor of the Panama Canal for the fiscal year ended June 30, 1918.

WOODROW WILSON.

THE WHITE HOUSE, January 23, 1919.

LIGNITE COAL.

Mr. FOSTER, by direction of the Committee on Mines and Mining, submitted for printing under the rule the conference report and accompanying statement on the bill (S. 3220) authorizing the Secretary of the Interior to make investigation, through the Bureau of Mines, of lignite coals and peat to determine the practicability of their utilization as a fuel and in producing commercial products.

THE FEDERAL JUDICIARY—CONFERENCE REPORT (NO. 971).

Mr. WEBB. Mr. Speaker, I desire to present a conference report on H. R. 12001, to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, for printing under the rule.

The conference report and statement of the House conferees are as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R.

12001) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its amendment numbered 7.

That the House recede from its disagreement to the amendments of the Senate numbered 1, 2, 3, 5, 6, 9, 10, 11, 12, 13, 14, and 15, and agree to the same.

Amendment numbered 4: That the House recede from its disagreement to the amendment of the Senate numbered 4, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 3. That the judges of the Supreme Court of the District of Columbia shall receive salaries the same as salaries provided by this act to be paid to judges of district courts of the United States, and such salaries shall be paid as now provided by law. The judges of the Court of Appeals of the District of Columbia shall receive salaries the same as the salaries provided by this act to be paid to judges of the circuit court of appeals of the United States, and such salaries shall be paid as now provided by law."

And the Senate agree to the same.

Amendment numbered 8: That the House recede from its disagreement to the amendment of the Senate numbered 8, and agree to the same with an amendment as follows: In lieu of the matter inserted by said amendment insert the following:

"Sec. 5. That the judges of the United States Court of Customs Appeals shall receive salaries equal in amount to the salaries provided by this act to be paid judges of the Circuit Court of Appeals of the United States, payable monthly from the Treasury."

And the Senate agree to the same.

E. Y. WEBB,
C. C. CARLIN,
H. J. STEELE,
A. J. VOLSTEAD,
GEO. S. GRAHAM,

Managers on the part of the House.

HOKE SMITH,
WILLIAM H. KING,
J. O. WOLCOTT,
FRANK B. BRANDEGEE,
LEBARON B. COIT,

Managers on the part of the Senate.

STATEMENT.

The managers on the part of the House, at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 12001) to amend an act entitled "An act to codify, revise, and amend the laws relating to the judiciary," approved March 3, 1911, submit the following written statement explaining the effect of the action agreed on:

Amendments Nos. 1, 3, 6, 10, 11, 12, 13, and 14, on which the House recedes, only change the mode of expression used in the bill and do not make a substantive change in the bill as it passed the House.

Amendments Nos. 5, 9, and 15, on which the House recedes, change the number of sections. This was made necessary by the added sections inserted by the Senate.

Amendment No. 2, on which the House recedes, adds the judges exercising Federal jurisdiction in Porto Rico, Hawaii, and Alaska, and increases their salary to \$7,500 a year.

Amendment No. 4, on which the House recedes with an amendment, inserts a new section to the bill making provision for increasing salaries of judges in the District of Columbia. This amendment increases the salaries of the judges of the Supreme Court of the District of Columbia to \$7,500 a year, which is the same salary provided in the bill for the Federal district judges. This salary, it is provided, shall be paid as now provided by law, which means that half of it is to be paid by the District of Columbia and the other half out of the Treasury of the United States.

This amendment also increases the salaries of the judges of the Court of Appeals of the District of Columbia up to the salaries provided by the bill to be paid to the judges of the Circuit Court of Appeals of the United States, which is \$8,500 a year to each judge.

The amendment added by the conferees provides that the salaries provided for, to be paid the judges of the Court of Appeals of the District of Columbia, shall be paid as now provided by law. The effect of this amendment is to require half of these salaries to be paid by the District of Columbia and the other half by the Treasury of the United States.

Amendment No. 7: The Senate recedes on this amendment, which provided that the judges of the Court of Claims should receive the same salaries as judges of the Circuit Courts of Appeals of the United States, or \$8,500 per annum.

As it relates to these salaries the bill is left as it originally passed the House, which provides that the salary of the chief justice of the Court of Claims shall receive a salary of \$8,000 per annum, and that the other judges of this court shall receive salaries of \$7,500 each per annum.

Amendment No. 8, on which the House recedes with an amendment, inserts a new section to the bill increasing the salaries of the judges of the United States Court of Customs Appeals to \$8,500 per year. The amendment agreed to, to this amendment, in conference, does not change the intent of the original Senate amendment, but was made necessary by the Senate having receded on amendment No. 7.

E. Y. WEBB,
C. C. CARLIN,
H. J. STEELE,
A. J. VOLSTEAD,
GEO. S. GRAHAM,

Managers on the part of the House.

ADJOURNMENT.

Mr. CARTER of Oklahoma. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 6 o'clock and 3 minutes p. m.) the House adjourned until Friday, January 24, 1919, at 12 o'clock noon.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of Rule XXIV, a letter from the Secretary of the Treasury, transmitting copy of communication from the Secretary of Commerce, submitting supplemental estimate of appropriation required by the Bureau of Fisheries for the employment of instructors in the Alaskan herring industry (H. Doc. No. 1719), was taken from the Speaker's table, referred to the Committee on Appropriations, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the several calendars therein named, as follows:

Mr. HOLLINGSWORTH, from the Committee on Public Buildings and Grounds, to which was referred the bill (H. R. 3217) providing for an increase of authorization for the Federal building at Steubenville, in the State of Ohio, reported the same without amendment, accompanied by a report (No. 966), which said bill and report were referred to the Committee of the Whole House on the state of the Union.

Mr. PARKER of New York, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 13485) granting the consent of Congress to Oliver Cabana, jr., Myron S. Hall, E. G. Connette, and William F. MacGlashan to construct a bridge across Niagara River within or near the city limits of Buffalo, and for other purposes, reported the same without amendment, accompanied by a report (No. 968), which said bill and report were referred to the House Calendar.

Mr. PARKER of New Jersey, from the Committee on Interstate and Foreign Commerce, to which was referred the bill (H. R. 14508) extending the time for the completion of the bridge across the Delaware River authorized by an act entitled "An act to authorize the Pennsylvania Railroad Co. and the Pennsylvania & Newark Railroad Co., or their successors, to construct, maintain, and operate a bridge across the Delaware River," approved the 24th day of August, 1912, reported the same with amendment, accompanied by a report (No. 970), which said bill and report were referred to the House Calendar.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. KEY of Ohio, from the Committee on Pensions, to which was referred the bill (S. 5318) granting a pension to Edith Carow Roosevelt, reported the same without amendment, accompanied by a report (No. 967), which said bill and report were referred to the Private Calendar.

Mr. OVERSTREET, from the Committee on Pensions, to which was referred the bill (H. R. 14945) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy, and certain soldiers and sailors of wars other than the Civil War, and to widows of such soldiers and sailors, reported the same without amendment, accompanied by a report (No. 969), which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials were introduced and severally referred as follows:

By Mr. KING: A bill (H. R. 14899) authorizing the Secretary of War to donate to the soldiers and sailors' home at Quincy, Ill., two German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. STEELE: A bill (H. R. 14900) authorizing the Secretary of War to donate to the borough of Weissport, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. LUFKIN: A bill (H. R. 14901) increasing the limit of cost for a Federal building at Newburyport, Mass.; to the Committee on Public Buildings and Grounds.

By Mr. MILLER of Minnesota: A bill (H. R. 14902) authorizing the Secretary of War to make a survey and submit an estimate of the cost of a 21-foot canal and a 35-foot canal for ocean-going ships between the Great Lakes and the Atlantic Ocean; to the Committee on Railways and Canals.

By Mr. BENJAMIN L. FAIRCHILD: A bill (H. R. 14903) to provide additional protection for the owners of letters patent of the United States, and for other purposes; to the Committee on Patents.

By Mr. HARRISON of Virginia: A bill (H. R. 14904) to make additions and extensions to the post office and courthouse building at Harrisonburg, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14905) making an additional appropriation for the construction of a post-office building at Front Royal, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14906) to amend Public Act 193, Sixty-fifth Congress (H. R. 12281), making appropriations for the support of the Army for the fiscal year ending June 30, 1919, in regard to medals for Spanish War veterans and Mexican border veterans; to the Committee on Military Affairs.

By Mr. EVANS: A bill (H. R. 14907) for the purchase of a site for and the erection of a post-office building at Anaconda, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14908) for the enlargement of the Federal building at Butte, Mont.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14909) providing for the enlargement of the Federal building at Missoula, Mont.; to the Committee on Public Buildings and Grounds.

By Mr. HARRISON of Virginia: A bill (H. R. 14910) to provide for the erection of a post-office building at Woodstock, Va.; to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14911) to provide for the erection of a post-office building at Luray, Va.; to the Committee on Public Buildings and Grounds.

By Mr. HAYDEN (by request): A bill (H. R. 14912) to extend to Indians the State laws governing in the matter of marriage and divorce and the social crimes herein enumerated; to the Committee on Indian Affairs.

By Mr. RANDALL: A bill (H. R. 14913) to amend an act entitled "An act to provide for the registration of, with collectors of internal revenue, and to impose a special tax upon all persons who produce, import, manufacture, compound, deal in, dispense, sell, distribute, or give away opium or coca leaves, their salts, derivatives, or preparations, and for other purposes," approved December 17, 1914; to the Committee on the Judiciary.

Also, a bill (H. R. 14914) to require the Secretary of War and the Secretary of the Navy to supply certain data to the adjutants general of the several States; to the Committee on Military Affairs.

Also, a bill (H. R. 14915) to define intoxicating liquors; to the Committee on the Judiciary.

By Mr. WICKERSHAM: A bill (H. R. 14916) to increase the limit of cost for the construction of the United States public building authorized at Juneau, Alaska, to grant abandoned public buildings and grounds at Sitka, Alaska, to the Territory of Alaska, and for other purposes; to the Committee on Public Buildings and Grounds.

By Mr. GOULD: A bill (H. R. 14917) authorizing the Secretary of War to donate to the city of Auburn, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. OVERSTREET: A bill (H. R. 14918) authorizing and directing the Secretary of War to grant an honorable discharge to drafted and enlisted men upon certain grounds, and for other purposes; to the Committee on Military Affairs.

By Mr. O'SHAUNESSY: A bill (H. R. 14919) to incorporate the United American War Veterans (Inc.); to the Committee on the Judiciary.

By Mr. HARDY: A bill (H. R. 14920) to amend section 4414, Revised Statutes of the United States, to classify and provide salaries for clerks in the Steamboat-Inspection Service; to the Committee on the Merchant Marine and Fisheries.

By Mr. MILLER of Minnesota: A bill (H. R. 14921) authorizing the Secretary of War to donate to the city of Two Harbors, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14922) authorizing the Secretary of War to donate to the city of Virginia, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14923) authorizing the Secretary of War to donate to the city of Duluth, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14924) authorizing the Secretary of War to donate to the village of Hibbing, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14925) authorizing the Secretary of War to donate to the city of Ely, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14926) authorizing the Secretary of War to donate to the city of Eveleth, Minn., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. WATKINS: A bill (H. R. 14927) donating a captured German cannon or field gun and carriage to the city of Mansfield, State of Louisiana, for decorative and patriotic purposes; to the Committee on Military Affairs.

Also, a bill (H. R. 14928) donating a captured German cannon or field gun and carriage to the city of Shreveport, State of Louisiana, for decorative and patriotic purposes; to the Committee on Military Affairs.

By Mr. AYRES: A bill (H. R. 14929) authorizing the Secretary of War to donate to the city of Whitewater, Kans., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14930) authorizing the Secretary of War to donate to the city of Eldorado, Kans., two German cannon or fieldpieces; to the Committee on Military Affairs.

By Mr. TREADWAY: A bill (H. R. 14931) authorizing the Secretary of War to donate to the town of Colrain, Mass., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. HERSEY: A bill (H. R. 14932) authorizing the Secretary of War to donate to the town of Houlton, Me., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. SAUNDERS of Virginia: A bill (H. R. 14933) authorizing the Secretary of War to donate to the county of Charlotte, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14934) authorizing the Secretary of War to donate to the county of Grayson, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14935) authorizing the Secretary of War to donate to the county of Carroll, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14936) authorizing the Secretary of War to donate to the county of Pittsylvania, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14937) authorizing the Secretary of War to donate to the county of Patrick, State of Virginia, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. FAIRFIELD: A bill (H. R. 14938) authorizing the Secretary of War to donate to the town of Harlan, county of Allen, State of Indiana, one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. LEVER: A bill (H. R. 14939) to stimulate the production, sale, and distribution of live stock and live-stock products, and for other purposes; to the Committee on Agriculture.

By Mr. MOTT: A bill (H. R. 14940) authorizing the Secretary of War to donate to the village of Alexandria Bay, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14941) authorizing the Secretary of War to donate to the village of Adams, N. Y., one German cannon or fieldpiece; to the Committee on Military Affairs.

Also, a bill (H. R. 14942) directing The Adjutant General of the United States Army and the Secretary of the Navy to allow the adjutant general of each State, or his representative, to

examine and make transcripts of records; to the Committee on Military Affairs.

By Mr. SMITH of Idaho: A bill (H. R. 14943) to donate a captured cannon or gun to the cities of Jerome, Rexburg, Preston, Mountain Home, Gooding, Shoshone, American Falls, Malad, Rigby, and Driggs, in the State of Idaho; to the Committee on Military Affairs.

By Mr. CHARLES B. SMITH: A bill (H. R. 14944) authorizing the Federal Trade Commission to accept and administer for the benefit of the public and the encouragement of industry, inventions, patents, and patent rights, and for other purposes; to the Committee on Patents.

By Mr. PARKER of New York: A bill (H. R. 14946) authorizing the Secretary of War to donate a German captured cannon or fieldpiece to the village of Fort Edward, in the State of New York; to the Committee on Military Affairs.

By Mr. CLARK of Pennsylvania: A bill (H. R. 14947) authorizing the Secretary of War to donate to the city of Girard, Pa., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 14948) to expel and exclude from the United States certain undesirable aliens; to the Committee on Immigration and Naturalization.

By Mr. TIMBERLAKE: A bill (H. R. 14949) to amend an act entitled "An act to amend section 73 of an act entitled 'An act to codify, revise, and amend the laws relating to the judiciary,' approved June 12, 1916," and for other purposes; to the Committee on the Judiciary.

By Mr. TAYLOR of Colorado: A bill (H. R. 14950) requiring The Adjutant General of the United States Army and the Secretary of the Navy to furnish certain data to the adjutants general of the several States; to the Committee on Military Affairs.

By Mr. HENRY T. RAINEY: A bill (H. R. 14951) authorizing the Secretary of War to donate to the town of Jerseyville, Ill., one German cannon or fieldpiece; to the Committee on Military Affairs.

By Mr. KEY of Ohio: Resolution (H. Res. 513) authorizing the payment of \$1,200 to William McKinley Cobb for extra and expert services rendered to the Committee on Pensions during the second and third sessions of the Sixty-fifth Congress; to the Committee on Accounts.

By Mr. CAMPBELL of Pennsylvania: Resolution (H. Res. 514) calling upon the Secretary of War to furnish the names and all facts pertaining to the military records of conscientious objectors; to the Committee on Military Affairs.

By Mr. ZIHLMAN: Joint resolution (H. J. Res. 395) authorizing the Secretary of the Navy to adjust and settle the claims of the Asher Fire Proofing Co., of Washington, D. C., and the A. Schwoerer Construction Co., of New York; to the Committee on Naval Affairs.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. OVERSTREET: A bill (H. R. 14945) granting pensions and increase of pensions to certain soldiers and sailors of the Regular Army and Navy and certain soldiers and sailors of wars other than the Civil War and to widows of such soldiers and sailors; to the Committee of the Whole House.

By Mr. CHANDLER of Oklahoma: A bill (H. R. 14952) granting an increase of pension to John H. McKenzie; to the Committee on Invalid Pensions.

Also, a bill (H. R. 14953) granting a pension to James A. Cox; to the Committee on Pensions.

Also, a bill (H. R. 14954) granting a pension to Billy Osborne or Koot-tah-we-Coots-lah-rie-e-Coots; to the Committee on Pensions.

By Mr. CLARK of Missouri: A bill (H. R. 14955) granting a pension to David Gibson; to the Committee on Invalid Pensions.

By Mr. CURRIE of Michigan: A bill (H. R. 14956) granting an increase of pension to Lucinda Wilson; to the Committee on Invalid Pensions.

By Mr. DOOLITTLE: A bill (H. R. 14957) granting an increase of pension to William C. Mitchell; to the Committee on Pensions.

By Mr. FERRIS: A bill (H. R. 14958) for the relief of W. T. Doorley; to the Committee on Claims.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

By Mr. DALLINGER: Petition of sundry citizens of Massachusetts, urging repeal of postal zone law; to the Committee on Ways and Means.

By Mr. FESS: Petition of the American Field of Honor Association, for selecting a suitable estate in France for creation of American field of honor as final resting place of those who made supreme sacrifice in cause of freedom and humanity; to the Committee on Foreign Affairs.

By Mr. FULLER of Illinois: Petition of sundry citizens of Rockford, Ill., for repeal of postal zone law; to the Committee on Ways and Means.

By Mr. HOLLINGSWORTH: Memorial of Central Ohio Veterinary Association, favoring a permanent annual appropriation of \$1,000,000 for continuance of hog-cholera control work in the United States; to the Committee on Agriculture.

By Mr. KING: Petition of A. C. Harvey and other citizens of Abingdon, Ill., against the 5 per cent tax on the sale of automobiles contained in the new revenue bill, and stating same as discriminatory and becomes a burden and that an excise tax of this nature tends to destroy the sale of automobiles and accessories; to the Committee on Ways and Means.

By Mr. LINTHICUM: Memorial of Board of Education of Baltimore County, Md., indorsing Senate bill 4987, creating a department of education; to the Committee on Education.

By Mr. LUNDEEN: Petition of South St. Paul Live Stock Exchange, protesting unanimously against the adoption of the Sims bill (H. R. 13324); to the Committee on Interstate and Foreign Commerce.

Also, petition of Minneapolis Trades and Labor Assembly, opposing the proposed increased war tax on theater tickets; to the Committee on Ways and Means.

By Mr. MOORES of Indiana: Petition of 225 employees of the Cincinnati, Indianapolis & Western Railway Co., favoring Government control and ownership of railroads; to the Committee on Interstate and Foreign Commerce.

By Mr. POWERS: Petition of number of employees working in the shops at Ferguson, Ky., asking that Congress indorse the McAdoo plan of railroad control; to the Committee on Interstate and Foreign Commerce.

By Mr. SMITH of Idaho: Memorial adopted by Boise Trades and Labor Council, favoring Government ownership of railroads; to the Committee on Interstate and Foreign Commerce.

SENATE.

FRIDAY, January 24, 1919.

(Legislative day of Monday, January 20, 1919.)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

Mr. SMOOT. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Ashurst	Hitchcock	Moses	Smith, Mich.
Beckham	Johnson, Cal.	Myers	Smith, S. C.
Calder	Johnson, S. Dak.	Nelson	Smoot
Chamberlain	Jones, Wash.	New	Spencer
Cole	King	Nugent	Sterling
Culberson	Kirby	Overman	Swanson
Curtis	La Follette	Penrose	Thompson
Fletcher	Lenroot	Polindexter	Trammell
France	Lodge	Pollock	Wadsworth
Frelinghuysen	McKellar	Ransdell	Warren
Gay	McLean	Sheppard	Watson
Hale	McNary	Sherman	Williams
Henderson	Martin, Va.	Simmons	Wolcott

Mr. CURTIS. I wish to announce that the Senator from West Virginia [Mr. SUTHERLAND] is detained by illness in his family.

Mr. SHEPPARD. I desire to announce that the Senator from New Mexico [Mr. JONES], the Senator from Mississippi [Mr. VARDAMAN], the Senator from Missouri [Mr. REED], the Senator from California [Mr. PHELAN], and the Senator from Rhode Island [Mr. GERRY] are detained on official business.

Mr. MARTIN of Virginia. I wish to announce that the senior Senator from Maryland [Mr. SMITH] is detained by illness. I will let this announcement stand for the day.

Mr. McKELLAR. I wish to announce that the senior Senator from Tennessee [Mr. SHIELDS] is absent on account of illness. I will let this announcement stand for the day.

Mr. KIRBY. I desire to announce the unavoidable absence of the senior Senator from Arkansas [Mr. ROBINSON], who is detained by illness. I ask that this announcement may stand for the day.

Mr. FRANCE. I announce the absence of the Senator from Georgia [Mr. HARDWICK] on official business of the Senate.

The PRESIDING OFFICER (Mr. HITCHCOCK in the chair). Fifty-two Senators have answered to the roll call. There is a quorum of the Senate present.